

# House Bill 2814

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that clerk of court accept for filing document that is faxed to court by attorney, or that is otherwise scanned and sent to court in electronic form by attorney, if attorney files statement that certifies that scanned version is true copy of original and that attorney will retain original for period of at least \_\_\_\_\_ years, or for such shorter time as court may provide for.

## A BILL FOR AN ACT

1  
2 Relating to court filings; amending ORS 1.006 and ORCP 9 E.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORCP 9 E is amended to read:

5 **E Filing with the court defined.** (1) The filing of pleadings and other documents with the court  
6 as required by these rules shall be made by filing them with the clerk of the court or the person  
7 exercising the duties of that office. The clerk or the person exercising the duties of that office shall  
8 endorse upon such pleading or document the time of day, the day of the month, the month, and the  
9 year. The clerk or person exercising the duties of that office is not required to receive for filing any  
10 document unless the name of the court, the title of the cause and the document, the names of the  
11 parties, and the attorney for the party requesting filing, if there be one, are legibly endorsed on the  
12 front of the document, nor unless the contents thereof are legible.

13 **(2) The clerk of the court or other person exercising the duties of that office shall receive**  
14 **for filing any document that is sent by telephonic facsimile communication device to the**  
15 **court by an attorney, or that is otherwise scanned and sent to the court in electronic form**  
16 **by an attorney, if the attorney files with the document a statement that certifies that the**  
17 **scanned version is a true copy of the original and that the attorney will retain the original**  
18 **for a period of at least \_\_\_\_\_ years, or for such shorter time as the court may provide by**  
19 **rule or order. The statement may be sent by telephonic facsimile or otherwise scanned and**  
20 **sent to the court in electronic form.**

21 **SECTION 2.** ORS 1.006 is amended to read:

22 1.006. (1) The Supreme Court may prescribe by rule the form of written process, notices, motions  
23 and pleadings used or submitted in civil proceedings and criminal proceedings in the courts of this  
24 state. The rules shall be designed to prescribe standardized forms of those writings for use  
25 throughout the state. The forms so prescribed shall be consistent with applicable provisions of law  
26 and the Oregon Rules of Civil Procedure. The form of written process, notices, motions and  
27 pleadings submitted to or used in the courts of this state shall comply with rules made under this  
28 section.

29 (2) The Supreme Court may prescribe by rule the manner of filing of pleadings and other papers  
30 submitted in civil proceedings with the courts of this state by means of a telephonic facsimile com-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 munication device. The manner so prescribed shall be consistent with applicable provisions of law  
2 and the Oregon Rules of Civil Procedure.

3 **(3) The Supreme Court shall prescribe by rule the manner of filing of documents by at-**  
4 **torneys under ORCP 9 E(2).**

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