

A-Engrossed House Bill 2667

Ordered by the House April 18
Including House Amendments dated April 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim 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.

[Repeals obsolete provision relating to jury trials in county courts.]

Specifies that court administrator is subject to direction of court in entering judgment for judgment by default.

Updates statutory references to Oregon State Bar's Lawyer Referral Service to include website address.

Establishes, for declaratory judgment filings occurring on or after January 1, 2011, and before July 1, 2011, \$117 filing fee. Requires, upon request, partial refund of any filing fee paid at higher rate on or after January 1, 2011, and before effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courts; creating new provisions; amending ORS 18.075, 21.110, 21.125 and 105.113 and
3 ORCP 7 C; and declaring an emergency.

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

5 **SECTION 1.** ORS 18.075 is amended to read:

6 18.075. (1) A judgment is entered in circuit court when a court administrator notes in the reg-
7 ister that a judgment document has been filed with the court administrator.

8 (2) Subject to ORS 18.058 (2), when a judge files a judgment document with the court adminis-
9 trator, the court administrator shall note in the register:

10 (a) That the judgment document has been filed and the day, hour and minute that the judgment
11 is entered.

12 (b) Whether the judgment is a limited judgment, a general judgment or a supplemental judgment.

13 (c) Whether the judgment includes a money award.

14 (d) Whether the judgment creates a judgment lien under ORS 18.150.

15 (3) If the court administrator notes in the register that a judgment creates a judgment lien, the
16 court administrator shall note in a judgment lien record maintained by the court administrator:

17 (a) The name of all judgment debtors.

18 (b) The name of all judgment creditors.

19 (c) The amount of the money award.

20 (d) Whether the money award includes a support award or an award of restitution.

21 (4) If the court administrator makes a notation of judgment in the judgment lien record, the
22 court administrator shall thereafter also note in the judgment lien record:

23 (a) The date on which any appeal is filed.

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 (b) Whether a supersedeas undertaking, as defined in ORS 19.005, is filed.

2 (c) The date of any decision on appeal.

3 (d) Any execution issued by the court and the return on any execution.

4 (e) Any satisfaction of the judgment, when entered.

5 (f) Other such information as may be deemed necessary by court order or court rule.

6 (5) The court administrator shall enter a judgment in the register within 24 hours after the
7 judgment document is filed with court administrator, excluding Saturdays and legal holidays. If the
8 court administrator is not able to enter the judgment within the time prescribed in this subsection,
9 or fails to do so, the court administrator shall enter the judgment as soon as practicable thereafter.

10 (6) Except as provided in ORS 18.058, [*and in ORCP 69 B(1) for judgments by default,*] the court
11 administrator shall be subject to the direction of the court in entering judgments in the register.

12 (7) The court administrator shall not delay entry of judgment under ORCP 68 for taxation of
13 attorney fees or costs and disbursements.

14 (8) Administrative orders entered in the register under ORS 416.440 have the effect provided for
15 in that section.

16 (9) The State Court Administrator shall ensure that the register and the judgment lien record
17 be established and maintained in a uniform manner in the circuit courts.

18 (10) References in Oregon Revised Statutes to docketing of a judgment are equivalent to entry
19 of a judgment as described in subsection (1) of this section.

20 (11) This section does not apply to justice courts, municipal courts or county courts performing
21 judicial functions.

22 **SECTION 2.** ORS 21.125 is amended to read:

23 21.125. (1) In any action, suit or proceeding subject to a fee under ORS 21.110, or in any civil
24 appeal or petition subject to a fee under ORS 21.010, the Chief Justice of the Supreme Court may
25 require that a \$50 fee be paid at the time of filing a motion identified by the Chief Justice as being
26 subject to a fee under this section. If the Chief Justice has identified a motion as being subject to
27 a fee under this section, the responding party must file a fee of \$35 upon the filing of a response to
28 the motion. The Chief Justice by order shall identify motions that are subject to fees under this
29 section.

30 (2) The fees provided for in this section may not be collected from the state, a county, a city
31 or a school district.

32 (3) The fees provided for in this section may not be collected for motions for judgment by vol-
33 untary dismissal under ORCP 54 A(1), for motions for judgment by written stipulation under ORCP
34 67 F or for motions for entry of default judgment under ORCP 69 [*B(1)*].

35 (4) The fees provided for in this section may not be collected for motions made to an arbitrator
36 or mediator in an arbitration or mediation required or offered by a court, or to any motion relating
37 to an arbitration or mediation required or offered by a court.

38 (5) The clerk shall file a motion or response that is subject to a fee under this section only if
39 the fee required by this section is paid when the motion or response is submitted for filing.

40 **SECTION 3.** ORCP 7 C is amended to read:

41 **C(1) Contents.** The summons shall contain:

42 C(1)(a) **Title.** The title of the cause, specifying the name of the court in which the complaint is
43 filed and the names of the parties to the action.

44 C(1)(b) **Direction to defendant.** A direction to the defendant requiring defendant to appear and
45 defend within the time required by subsection (2) of this section and a notification to defendant that

1 in case of failure to do so, the plaintiff will apply to the court for the relief demanded in the com-
2 plaint.

3 C(1)(c) Subscription; post office address. A subscription by the plaintiff or by an active member
4 of the Oregon State Bar, with the addition of the post office address at which papers in the action
5 may be served by mail.

6 C(2) Time for response. If the summons is served by any manner other than publication, the
7 defendant shall appear and defend within 30 days from the date of service. If the summons is served
8 by publication pursuant to subsection D(6) of this rule, the defendant shall appear and defend within
9 30 days from the date stated in the summons. The date so stated in the summons shall be the date
10 of the first publication.

11 C(3) Notice to party served.

12 C(3)(a) In general. All summonses, other than a summons referred to in paragraph (b) or (c) of
13 this subsection, shall contain a notice printed in type size equal to at least 8-point type which may
14 be substantially in the following form:

15
16
17 NOTICE TO DEFENDANT:
18 READ THESE PAPERS
19 CAREFULLY

20 You must “appear” in this case or the other side will win automatically. To “appear” you must
21 file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must
22 be given to the court clerk or administrator within 30 days along with the required filing fee. It
23 must be in proper form and have proof of service on the plaintiff’s attorney or, if the plaintiff does
24 not have an attorney, proof of service on the plaintiff.

25 If you have questions, you should see an attorney immediately. If you need help in finding an
26 attorney, you may [call] **contact** the Oregon State Bar’s Lawyer Referral Service [at] **online at**
27 **www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or
28 toll-free **elsewhere** in Oregon at (800) 452-7636.

29
30
31 C(3)(b) Service for counterclaim. A summons to join a party to respond to a counterclaim pur-
32 suant to Rule 22 D (1) shall contain a notice printed in type size equal to at least 8-point type which
33 may be substantially in the following form:

34
35
36 NOTICE TO DEFENDANT:
37 READ THESE PAPERS
38 CAREFULLY

39 You must “appear” to protect your rights in this matter. To “appear” you must file with the
40 court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given to the
41 court clerk or administrator within 30 days along with the required filing fee. It must be in proper
42 form and have proof of service on the defendant’s attorney or, if the defendant does not have an
43 attorney, proof of service on the defendant.

44 If you have questions, you should see an attorney immediately. If you need help in finding an
45 attorney, you may [call] **contact** the Oregon State Bar’s Lawyer Referral Service [at] **online at**

1 **www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or
2 toll-free **elsewhere** in Oregon at (800) 452-7636.

3 _____
4
5 C(3)(c) Service on persons liable for attorney fees. A summons to join a party pursuant to Rule
6 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which may be sub-
7 stantially in the following form:
8 _____

9
10 NOTICE TO DEFENDANT:
11 READ THESE PAPERS
12 CAREFULLY

13 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a
14 judgment for reasonable attorney fees will be entered against you, as provided by the agreement to
15 which defendant alleges you are a party.

16 You must “appear” to protect your rights in this matter. To “appear” you must file with the
17 court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given to the
18 court clerk or administrator within 30 days along with the required filing fee. It must be in proper
19 form and have proof of service on the defendant’s attorney or, if the defendant does not have an
20 attorney, proof of service on the defendant.

21 If you have questions, you should see an attorney immediately. If you need help in finding an
22 attorney, you may [call] **contact** the Oregon State Bar’s Lawyer Referral Service [at] **online at**
23 **www.oregonstatebar.org or by calling** (503) 684-3763 **(in the Portland metropolitan area)** or
24 toll-free **elsewhere** in Oregon at (800) 452-7636.
25 _____

26
27 **SECTION 4.** ORS 105.113 is amended to read:

28 105.113. Notwithstanding ORCP 7 C, for premises to which ORS chapter 90 or ORS 91.120 ap-
29 plies, the summons must be in substantially the following form and be available from the court clerk:
30 _____

31
32 IN THE CIRCUIT COURT
33 FOR THE COUNTY OF

34 _____
35 No. _____

36
37 SUMMONS
38 RESIDENTIAL EVICTION

39
40 PLAINTIFF (Landlord or agent):
41 _____
42 _____
43 _____
44 _____
45

1 vs.

2

3 DEFENDANT (Tenants/Occupants):

4

5 _____

6

7 _____

8

9 TO: _____ (Street address and city of property occupied by defendant)

10 _____(Mailing address if different)

11

12

NOTICE TO TENANTS:

13

READ THESE PAPERS CAREFULLY

14

YOUR LANDLORD WANTS TO

15

EVICT YOU

16

17 ON _____, 2_____ AT _____ A.M./P.M., you must come to the County Court House

18 located at _____. You do not have to pay any fees to the court for this first hearing.

19

20 • If you do not appear in court and your landlord does, your landlord will win automatically and
21 can have the Sheriff physically remove you.

22

23 • If you do show up in court and your landlord does not, this eviction action will be dropped.

24

25 • If both of you show up:

26

27 • The judge may ask you to try to reach an agreement with your landlord, but this is vol-
28 untary. Trained mediators may be available free of charge to help resolve disputes.

29

30 • The court will schedule a trial if you and your landlord do not reach an agreement or if
31 you do not agree to move out.

32

33 IF YOU WANT A TRIAL, YOU MUST:

34

35 • Show up in court at the time scheduled above;

36

37 • On the same day, file an Answer with the Court giving a legal reason why you should not be
38 evicted (the Court can give you a form);

39

40 • Give a copy of the Answer to your landlord (or your landlord's agent or attorney); and

41

42 • Pay a filing fee of \$_____ (the judge may allow payment to be deferred in certain circum-
43 stances).

44

45 IF YOU HAVE QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY. If you need

1 help finding an attorney, you can [call] **contact** the Oregon State Bar’s Lawyer Referral Service
2 [at] **online at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan**
3 **area)** or toll-free **elsewhere** in Oregon at 800-452-7636.

4
5 _____
6 Signature of Plaintiff (landlord or agent)

7
8 Plaintiff’s address:

9
10 _____

11
12 _____

13
14 Plaintiff’s telephone number: _____

15
16 I certify that this is a true copy of the original summons:

17
18 _____

19 Signature of Plaintiff (landlord or agent)

20 _____

21
22 **SECTION 5.** ORS 21.110, as amended by section 16, chapter 659, Oregon Laws 2009, section 37c,
23 chapter 885, Oregon Laws 2009, and section 29, chapter 107, Oregon Laws 2010, is amended to read:

24 21.110. (1) Except as otherwise provided by law, at the time of filing of a complaint or other
25 pleading or motion in the circuit court for the purpose of commencing an action or other civil pro-
26 ceeding, the clerk of the circuit court shall collect a fee of \$78 from the party filing the pleading
27 or motion if the amount claimed or in controversy does not exceed \$10,000, without regard to the
28 number of parties named in the pleading or motion. The clerk shall collect the same fee for each
29 answer or other first appearance filed in the action or proceeding.

30 (2)(a) Except as otherwise provided by law, at the time of filing of a complaint or other pleading
31 or motion in the circuit court for the purpose of commencing an action or other civil proceeding,
32 the clerk of the circuit court shall collect the following fees:

33 (A) If the amount claimed or in controversy is more than \$10,000, and less than \$50,000, the
34 clerk of the circuit court shall collect a fee of \$117 for each named plaintiff, appellant or moving
35 party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee
36 of \$117 apiece for the second, third and subsequent defendants or respondents named in the pleading.

37 (B) If the amount claimed or in controversy is \$50,000 or more, and less than \$150,000, the clerk
38 of the circuit court shall collect a fee of \$225 for each named plaintiff, appellant or moving party.
39 In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$225
40 apiece for the second, third and subsequent defendants or respondents named in the pleading.

41 (C) If the amount claimed or in controversy is \$150,000 or more, and less than \$500,000, the clerk
42 of the circuit court shall collect a fee of \$275 for each named plaintiff, appellant or moving party.
43 In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$275
44 apiece for the second, third and subsequent defendants or respondents named in the pleading.

45 (D) If the amount claimed or in controversy is \$500,000 or more, and less than \$1 million, the

1 clerk of the circuit court shall collect a fee of \$325 for each named plaintiff, appellant or moving
2 party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee
3 of \$325 apiece for the second, third and subsequent defendants or respondents named in the pleading.

4 (E) If the amount claimed or in controversy is \$1 million or more, the clerk of the circuit court
5 shall collect a fee of \$375 for each named plaintiff, appellant or moving party. In addition, if more
6 than one defendant or respondent is named the clerk shall collect a fee of \$375 apiece for the sec-
7 ond, third and subsequent defendants or respondents named in the pleading.

8 (b) If at any time a plaintiff, appellant or moving party files an amended pleading that names
9 one or more additional parties to a proceeding subject to a fee under paragraph (a) of this sub-
10 section, the clerk of the circuit court shall collect an additional fee that is equal to the difference
11 between the fee that was paid and the fee that would have been collected under paragraph (a) of
12 this subsection if the party or parties had been named in the original pleading.

13 (3) Except as otherwise provided by law, at the time of filing in the circuit court of an answer
14 or other first appearance in a proceeding subject to a fee under subsection (2) of this section, the
15 clerk shall collect the following fees:

16 (a) If the amount claimed or in controversy is more than \$10,000, and less than \$50,000, the clerk
17 of the circuit court shall collect a fee of \$117. If a first appearance is filed jointly for more than one
18 defendant or respondent, the clerk shall collect a fee of \$117 for each of those defendants or re-
19 spondents.

20 (b) If the amount claimed or in controversy is \$50,000 or more, and less than \$150,000, the clerk
21 of the circuit court shall collect a fee of \$225. If a first appearance is filed jointly for more than one
22 defendant or respondent, the clerk shall collect a fee of \$225 for each of those defendants or re-
23 spondents.

24 (c) If the amount claimed or in controversy is \$150,000 or more, and less than \$500,000, the clerk
25 of the circuit court shall collect a fee of \$275. If a first appearance is filed jointly for more than one
26 defendant or respondent, the clerk shall collect a fee of \$275 for each of those defendants or re-
27 spondents.

28 (d) If the amount claimed or in controversy is \$500,000 or more, and less than \$1 million, the
29 clerk of the circuit court shall collect a fee of \$325. If a first appearance is filed jointly for more
30 than one defendant or respondent, the clerk shall collect a fee of \$325 for each of those defendants
31 or respondents.

32 (e) If the amount claimed or in controversy is \$1 million or more, the clerk of the circuit court
33 shall collect a fee of \$375. If a first appearance is filed jointly for more than one defendant or re-
34 spondent, the clerk shall collect a fee of \$375 for each of those defendants or respondents.

35 (4) The Chief Justice of the Supreme Court by order may provide for exemptions from the fees
36 established under subsections (2) and (3) of this section if exemptions are needed for the equitable
37 imposition of those fees.

38 (5) The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the
39 petitioner in a proceeding under ORS 181.823 or 181.826, at the time the petition is filed. Fees
40 collected under this subsection shall be deposited into the Judicial Department Operating Account
41 established in ORS 1.009.

42 (6)(a) Except as otherwise provided by law, at the time of filing in the circuit court of a com-
43 plaint or other pleading or motion for the purpose of commencing an action or other civil proceed-
44 ing, including an appeal, that is not subject to a fee under subsections (1) to (5) of this section, the
45 clerk of the circuit court shall collect a fee of \$117 for each named plaintiff, appellant or moving

1 party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee
2 of \$117 apiece for the second, third and subsequent defendants or respondents named in the pleading.

3 (b) At the time of filing in the circuit court of an answer or other first appearance in a pro-
4 ceeding subject to a fee under paragraph (a) of this subsection, the clerk shall collect a fee of \$117.
5 If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall col-
6 lect a fee of \$117 for each of those defendants or respondents.

7 **(c) The provisions of subsections (1) to (5) of this section, and of paragraphs (a) and (b)**
8 **of this subsection, do not apply to a declaratory judgment action. At the time of filing in the**
9 **circuit court of a complaint or other pleading for the purpose of commencing a declaratory**
10 **judgment action, the clerk of the circuit court shall collect a filing fee of \$117 from the**
11 **plaintiff. At the time of filing in the circuit court of an answer or other first appearance in**
12 **the proceeding, the clerk shall collect a filing fee of \$117.**

13 (7) For purposes of this section, the amount claimed or in controversy does not include any
14 amount claimed as costs and disbursements or attorney fees as defined by ORCP 68 A.

15 (8) For purposes of this section, the amount in controversy in an action or other proceeding
16 includes:

17 (a) The value of property claimed in actions for the recovery of specific personal property, and
18 the damages for the detention of the property.

19 (b) Any penalty or forfeiture provided by statute or arising out of contract.

20 (c) The amount claimed for a lien on personal property in an action to enforce or foreclose the
21 lien.

22 (d) The money, or the value of property, deposited or secured in an interpleader action.

23 (9) A pleading or other document shall be filed by the clerk only if the fee required under this
24 section is paid by the person filing the document, or if a request for a fee waiver or deferral is
25 granted by the court. No part of any such filing fee shall be refunded to any party. The uniform fee
26 shall cover all services to be performed by the court or clerk in any such action, suit or proceeding,
27 except where additional fees are specially authorized by law.

28 (10) Any plaintiff, appellant, moving party, defendant or respondent that files an action or ap-
29 pearance that is subject to the filing fees established under subsections (1) to (3) of this section must
30 include in the caption of the pleading a statement of the amount claimed.

31 (11) The fees imposed by this section do not apply to:

32 (a) Protective proceedings under ORS chapter 125;

33 (b) Proceedings for dissolution of marriage, annulment of marriage or separation;

34 (c) Filiation proceedings under ORS 109.124 to 109.230;

35 (d) Proceedings to determine custody or support of a child under ORS 109.103;

36 (e) Probate, adoption or change of name proceedings;

37 (f) Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee
38 is provided by ORS 105.130; or

39 (g) Any counterclaim, cross-claim or third-party claim filed by a party who has appeared in the
40 action or proceeding.

41 (12) The fees described in this section shall not be charged to a district attorney or to the Di-
42 vision of Child Support of the Department of Justice for the filing of any case, motion, document,
43 stipulated order, process or other document relating to the provision of support enforcement ser-
44 vices as described in ORS 25.080.

45 **SECTION 6.** ORS 21.110, as amended by section 16, chapter 659, Oregon Laws 2009, section 37c,

1 chapter 885, Oregon Laws 2009, and sections 29 and 31, chapter 107, Oregon Laws 2010, is amended
2 to read:

3 21.110. (1) Except as otherwise provided in this section, at the time of filing in the circuit court
4 of any civil action, suit or proceeding, including appeals, the clerk of the circuit court shall collect
5 from the plaintiff, appellant or moving party the sum of \$107 as a flat and uniform filing fee. In ad-
6 dition, at the time of filing any appearance in any such action, suit or proceeding by any defendant
7 or respondent appearing separately, or upon the part of defendants or respondents appearing jointly,
8 the clerk shall collect from the party or parties the sum of \$107 as a flat and uniform filing fee. **The**
9 **fee imposed under this subsection applies to declaratory judgment actions.**

10 (2) In the following actions, the clerk of the circuit court shall collect the sum of \$68 as a flat
11 and uniform filing fee from the plaintiff, appellant or moving party at the time the action is filed,
12 and shall collect the sum of \$68 as a flat and uniform filing fee from any defendant or respondent
13 appearing separately, or upon the part of defendants or respondents appearing jointly, at the time
14 of filing any appearance in the action:

15 (a) Actions for the recovery of money or damages only when the amount claimed does not ex-
16 ceed \$10,000.

17 (b) Actions for the recovery of specific personal property when the value of the property claimed
18 and the damages for the detention do not exceed \$10,000.

19 (c) Actions for the recovery of any penalty or forfeiture, whether given by statute or arising out
20 of contract, not exceeding \$10,000.

21 (d) Actions to enforce, marshal and foreclose liens upon personal property where the amount
22 claimed for such liens does not exceed \$10,000.

23 (e) Actions of interpleader, and in the nature of interpleader, when the amount of money or the
24 value of the property involved does not exceed \$10,000.

25 (f) Actions for injunctive relief under ORS chapter 90 when the amount of any damages claimed
26 does not exceed \$10,000.

27 (3) The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the
28 petitioner in a proceeding under ORS 181.823 or 181.826, at the time the petition is filed. Fees
29 collected under this subsection shall be deposited into the Judicial Department Operating Account
30 established in ORS 1.009.

31 (4) For purposes of this section, the amount claimed, value of property, damages or any amount
32 in controversy does not include any amount claimed as costs and disbursements or attorney fees as
33 defined by ORCP 68 A.

34 (5) A pleading or other document shall be filed by the clerk only if the fee required under this
35 section is paid by the person filing the document, or if a request for a fee waiver or deferral is
36 granted by the court. No part of any such filing fee shall be refunded to any party. The uniform fee
37 shall cover all services to be performed by the court or clerk in any such action, suit or proceeding,
38 except where additional fees are specially authorized by law.

39 (6) Any plaintiff, appellant, moving party, defendant or respondent that files an action or ap-
40 pearance that is subject to the filing fees established under subsection (2) of this section must in-
41 clude in the caption of the pleading the following words: "Claim of not more than \$10,000."

42 (7) The fees imposed by this section do not apply to:

43 (a) Protective proceedings under ORS chapter 125;

44 (b) Proceedings for dissolution of marriage, annulment of marriage or separation;

45 (c) Filiation proceedings under ORS 109.124 to 109.230;

1 (d) Proceedings to determine custody or support of a child under ORS 109.103;

2 (e) Probate, adoption or change of name proceedings;

3 (f) Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee
4 is provided by ORS 105.130; or

5 (g) Any counterclaim, cross-claim or third-party claim filed by a party who has appeared in the
6 action or proceeding.

7 (8) The fees described in this section shall not be charged to a district attorney or to the Divi-
8 sion of Child Support of the Department of Justice for the filing of any case, motion, document,
9 stipulated order, process or other document relating to the provision of support enforcement ser-
10 vices as described in ORS 25.080.

11 **SECTION 7. The amendments to ORS 21.110 by section 5 of this 2011 Act apply to any**
12 **declaratory judgment action filed on or after January 1, 2011, and before July 1, 2011. Upon**
13 **request by any party that paid a filing fee or respondent's fee for a declaratory judgment**
14 **action on or after January 1, 2011, and before the effective date of this 2011 Act, the clerk**
15 **of the court in which the action was filed shall refund the amount of the filing fee paid by**
16 **the party to the extent that the fee exceeds the filing fee under ORS 21.110, as amended by**
17 **section 5 of this 2011 Act. A request under this section must be made not later than 60 days**
18 **after the effective date of this 2011 Act.**

19 **SECTION 8. This 2011 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
21 **on its passage.**

22 _____