

**OREGON STATE BAR**  
**Legislative Proposal**  
**Part I – Legislative Summary**

**RE: NOTICE OF SERVICEMEMBERS CIVIL RELIEF ACT (SCRA) RIGHTS IN ADMINISTRATIVE PROCEEDINGS**

**Submitted by: Lawyers for Veterans Steering Committee**

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**1. Does this amend current law or program?**

- a. Yes  ORS 183.413**  
**b. No**

**2. PROBLEM PRESENTED** (including level of severity):

Active duty servicemembers are protected from default in legal proceedings by the Servicemembers Civil Relief Act (SCRA). The act applies to administrative proceedings. Notices of administrative hearings do not contain notice to the parties of their rights under the SCRA to a stay of proceedings. A servicemember who does not appear at a hearing and loses by default may attempt to set the default order aside based on the SCRA after the fact, but that remedy is less than adequate.

**3. SOLUTION:**

Amend ORS 183.413 to require notices of administrative hearings to include a statement apprising the parties of the rights of active duty servicemembers under the SCRA.

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**Part II – Legislative Language**

Please provide your legislative language below:

Add a new subsection to ORS 183.413:

(2) Prior to commencement of a contested case hearing before any agency including those agencies identified in ORS 183.315, the agency shall serve personally or by mail a written notice to each party to the hearing that includes the following:

...

(p) Notice to parties that active duty servicemembers have the right to stay proceedings under the Servicemembers Civil Relief Act.