

Senate Bill 239

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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 party in domestic relations proceeding to provide, upon request, vehicle identification number or other identifying number for each motor vehicle or boat registered to party or in which party has any interest.

A BILL FOR AN ACT

1
2 Relating to documentation provided to parties in domestic relations proceedings; amending ORS
3 107.089.

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

5 **SECTION 1.** ORS 107.089 is amended to read:

6 107.089. (1) If served with a copy of this section as provided in ORS 107.088, each party in a suit
7 for legal separation or for dissolution shall provide to the other party copies of the following docu-
8 ments in their possession or control:

9 (a) All federal and state income tax returns filed by either party for the last three calendar
10 years[;].

11 (b) If income tax returns for the last calendar year have not been filed, all W-2 statements,
12 year-end payroll statements, interest and dividend statements and all other records of income earned
13 or received by either party during the last calendar year[;].

14 (c) All records showing any income earned or received by either party for the current calendar
15 year[;].

16 (d) All financial statements, statements of net worth and credit card and loan applications pre-
17 pared by or for either party during the last two calendar years[;].

18 (e) All documents such as deeds, real estate contracts, appraisals and most recent statements
19 of assessed value relating to real property in which either party has any interest[;].

20 (f) All documents showing debts of either party, including the most recent statement of any loan,
21 credit line or charge card balance due[;].

22 (g)(A) Certificates of title or registrations of all automobiles, motor vehicles, boats or other
23 personal property registered in either party's name or in which either party has any interest[;].

24 **(B) For all automobiles, motor vehicles and boats described in subparagraph (A) of this**
25 **paragraph, documentation evidencing the vehicle identification number or other unique**
26 **identifying number.**

27 (h) Documents showing stocks, bonds, secured notes, mutual funds and other investments in
28 which either party has any interest[;].

29 (i) The most recent statement describing any retirement plan, IRA pension plan, profit-sharing
30 plan, stock option plan or deferred compensation plan in which either party has any interest[;

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 *and*].

2 (j) All financial institution or brokerage account records on any account in which either party
3 has had any interest or signing privileges in the past year, whether or not the account is currently
4 open or closed.

5 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, the party shall provide
6 the information listed in subsection (1) of this section to the other party no later than 30 days after
7 service of a copy of this section.

8 (b) If a support hearing is pending fewer than 30 days after service of a copy of this section on
9 either party, the party upon whom a copy of this section is served shall provide the information
10 listed in subsection (1)(a) to (d) of this section no later than three judicial days before the hearing.

11 (3)(a) If a party does not provide information as required by subsections (1) and (2) of this sec-
12 tion, the other party may apply for a motion to compel as provided in ORCP 46.

13 (b) Notwithstanding ORCP 46 A(4), if the motion is granted and the court finds that there was
14 willful noncompliance with the requirements of subsections (1) and (2) of this section, the court shall
15 require the party whose conduct necessitated the motion or the party or attorney advising the
16 action, or both, to pay to the moving party the reasonable expenses incurred in obtaining the order,
17 including attorney fees.

18 (4) If a date for a support hearing has been set and the information listed in subsection (1)(a)
19 to (d) of this section has not been provided as required by subsection (2) of this section:

20 (a) By the obligor, the judge shall postpone the hearing, if requested to do so by the obligee,
21 and provide in any future order for support that the support obligation is retroactive to the date
22 of the original hearing; or

23 (b) By the obligee, the judge shall postpone the hearing, if requested to do so by the obligor,
24 and provide that any support ordered in a future hearing may be prospective only.

25 (5) The provisions of this section do not limit in any way the discovery provisions of the Oregon
26 Rules of Civil Procedure or any other discovery provision of Oregon law.

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