

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2384
CARRIER: Rep. Barton

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 02/12/15

Action: Do Pass.

Meeting Dates: 02/12

House

Yeas: 8 - Barker, Barton, Krieger, Williamson, Olson, Post, Sprenger, Lininger

Exc: 1 - Greenlick

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Allows substituted service of certain investigative demands on natural persons to be accomplished in same manner as service on unnatural persons. Contains scrivener's changes. Applies to certain investigative demands issued on or after the effective date.

ISSUES DISCUSSED:

- Attorney General's enforcement of Unlawful Trade Practices Act
- Lack of clarity in current statute and interpretation problems regarding service
- Number of annual cases where natural persons are not able to be served

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, it is unclear whether service of civil investigative demands by the Department of Justice (DOJ) may be served on natural persons in the same manner as unnatural persons. "Unnatural persons" are juridical persons or groups of people that acquire legal personhood when they are incorporated. Corporations are an example. "Natural persons" acquire legal personhood upon birth.

House Bill 2384 clarifies the DOJ's service process for civil investigative demands and authorizes service on natural persons to be done in the same manner as on unnatural persons. House Bill 2384 parallels the rules of service contained in the Oregon Rules of Civil Procedure.

House Bill 2384 also contains many scrivener's changes, which change the word "any" to "a," "shall be" to "is," among other non-substantive changes.