

House Bill 2355

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Association of Oregon Counties)

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**.

Increases certain fees charged by justice courts. Provides that trial fee may not be charged in small claims department of justice court.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fees in justice courts; creating new provisions; amending ORS 51.310, 52.410 and 55.130;
3 declaring an emergency; and providing for revenue raising that requires approval by a three-
4 fifths majority.

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

6 **SECTION 1.** ORS 51.310 is amended to read:

7 51.310. (1) Except as provided in ORS 105.130, the justice of the peace shall collect, in advance
8 except in criminal cases, and issue receipts for, the following fees:

9 (a) For the first appearance of the plaintiff, [~~\$40~~] **\$125**.

10 (b) For the first appearance of the defendant, [~~\$40~~] **\$125**.

11 (c) In the small claims department[,]:

12 (A) For a plaintiff filing a claim[, ~~\$28; and~~] **in which the amount or value claimed does not**
13 **exceed \$2,500, \$40.**

14 (B) **For a plaintiff filing a claim in which the amount or value claimed exceeds \$2,500, \$75.**

15 (C) For a defendant requesting a hearing[, ~~\$28~~] **when the amount or value claimed by the**
16 **plaintiff does not exceed \$2,500, \$40.**

17 (D) **For a defendant requesting a hearing when the amount or value claimed by the**
18 **plaintiff exceeds \$2,500, \$75.**

19 (d) For transcript of judgment, [~~\$6~~] **\$12**.

20 (e) For transcript of judgment from the small claims department, [~~\$6~~] **\$12**.

21 (f) For certified copy of judgment, [~~\$6~~] **\$12**.

22 (g) For issuing writs of execution or writs of garnishment, [~~\$6~~] **\$30** for each writ.

23 [~~(h) For taking an affidavit of a private party, \$1.~~]

24 [~~(i) For taking depositions, for each folio, 70 cents.~~]

25 (h) **For issuing notices of restitution as provided in ORS 105.151, \$12 for each notice.**

26 (i) **For filing a motion described in ORS 21.200 in an action not in the small claims de-**
27 **partment, 75 percent of the amount set forth in ORS 21.200.**

28 (j) For supplying to private parties copies of records and files, the same fees as provided or es-
29 tablished for the county clerk under ORS 205.320.

30 (k) For each official certificate, [~~\$1~~] **\$12**.

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 (L) For taking and certifying for a private party an acknowledgment of proof of any instrument,
2 [~~\$3~~] **\$12.**

3 (m) Costs in criminal cases, where there has been a conviction, or upon forfeiture of security,
4 \$5.

5 (2) Not later than the last day of the month immediately following the month in which fees set
6 forth in subsection (1) of this section are collected, the justice of the peace shall pay all such fees,
7 other than those for performing marriage ceremonies, over to the county treasurer of the county
8 wherein the justice of the peace was elected or appointed, for crediting to the general fund of the
9 county, and shall take the receipt of the treasurer therefor.

10 **SECTION 2.** ORS 52.410 is amended to read:

11 52.410. (1) Parties to judicial proceedings in justice courts are required to contribute toward the
12 expense of maintaining justice courts, or a particular action or proceeding therein, by the payment
13 of a trial fee, **except that a trial fee may not be required for a hearing or trial in the small
14 claims department of a justice court.**

15 *[(2) The trial fee in a justice court, for every trial by jury, is \$17.]*

16 **(2) The trial fee in a justice court for a trial by jury is \$125 for each full or partial day
17 of trial, payable by the party demanding the jury trial at the time the demand is made.**

18 **(3) The trial fee in a justice court for a trial without a jury is \$75 for each full or partial
19 day of trial, payable by the plaintiff when the action or proceeding is set for trial.**

20 **(4) If a trial continues beyond the number of days originally paid for under subsection (2)
21 or (3) of this section, the fee for subsequent days of trial must be paid in advance of each
22 day the trial continues by the party responsible for the fee under subsection (2) or (3) of this
23 section.**

24 **SECTION 3.** ORS 55.130 is amended to read:

25 55.130. (1) If no appeal is taken by a party against whom a judgment to make payment is ren-
26 dered and the party fails to pay the judgment according to the terms and conditions thereof, the
27 justice of the peace before whom the hearing was had, may, on application of the prevailing party,
28 certify the judgment in substantially the following form:

29 _____

30
31 In the Justice Court for _____ District, _____ County, Oregon.

32
33 Plaintiff,

34 vs.

35
36 Defendant.

37 In the Small Claims Department

38 This is to certify that in a certain action before me, the undersigned, had on this, the _____
39 day of _____, 2____, wherein _____ was plaintiff and _____ was defendant, juris-
40 diction of the defendant having been had by personal service (or otherwise), as provided by law, I
41 then and there entered judgment against the (defendant or plaintiff) in the sum of _____ dollars,
42 which judgment has not been paid.

43 Witness my hand this _____ day of _____, 2____.

44 _____
45 Justice of the Peace

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(2) Upon the payment of a fee of [\$5] **\$12**, the justice of the peace shall forthwith enter the judgment transcript on the docket of the justice court. Thereafter execution and other process on execution provided by law may issue thereon as in other cases of judgments of justice courts, and transcripts of the judgments may be filed and entered in judgment dockets in circuit courts with like effect as in other cases.

SECTION 4. The amendments to ORS 51.310, 52.410 and 55.130 by sections 1 to 3 of this 2015 Act apply only to proceedings commenced or services provided on or after July 1, 2015.

SECTION 5. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.
