

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2316**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; amending ORS 51.310, 52. 410 and 55.130;  
3 declaring an emergency; and providing for revenue raising that requires ap-  
4 proval by a three-fifths majority.”.

5 Delete line 4 and insert:

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  
8 shall collect, in advance except in criminal cases, and issue receipts for, the  
9 following fees:

10 “(a) For the first appearance of the plaintiff, [~~\$40~~] **\$90.**

11 “(b) For the first appearance of the defendant, [~~\$40~~] **\$90.**

12 “(c) In the small claims department, for a plaintiff filing a claim, [~~\$28~~]  
13 **\$35**; and for a defendant requesting a hearing, [~~\$28~~] **\$35.**

14 “(d) For transcript of judgment, [~~\$6~~] **\$9.**

15 “(e) For transcript of judgment from the small claims department, [~~\$6~~]  
16 **\$9.**

17 “(f) For certified copy of judgment, [~~\$6~~] **\$9.**

18 “(g) For issuing writs of execution or writs of garnishment, [~~\$6~~] **\$20** for  
19 each writ.

20 “[*h*] For taking an affidavit of a private party, \$1.]

21 “[*i*] For taking depositions, for each folio, 70 cents.]

22 **“(h) For issuing notices of restitution as provided in ORS 105.151,**

1 **\$10 for each notice.**

2 **“(i) For filing a motion described in ORS 21.200 in an action not in**  
3 **the small claims department, \$30.**

4 **“(j) For supplying to private parties copies of records and files, the same**  
5 **fees as provided or established for the county clerk under ORS 205.320.**

6 **“(k) For each official certificate, [~~\$1~~] \$10.**

7 **“(L) For taking and certifying for a private party an acknowledgment of**  
8 **proof of any instrument, [~~\$3~~] \$10.**

9 **“(m) Costs in criminal cases, where there has been a conviction, or upon**  
10 **forfeiture of security, \$5.**

11 **“(2) Not later than the last day of the month immediately following the**  
12 **month in which fees set forth in subsection (1) of this section are collected,**  
13 **the justice of the peace shall pay all such fees, other than those for per-**  
14 **forming marriage ceremonies, over to the county treasurer of the county**  
15 **wherein the justice of the peace was elected or appointed, for crediting to**  
16 **the general fund of the county, and shall take the receipt of the treasurer**  
17 **therefor.**

18 **“SECTION 2. ORS 51.310, as amended by section 1 of this 2015 Act, is**  
19 **amended to read:**

20 **“51.310. (1) Except as provided in ORS 105.130, the justice of the peace**  
21 **shall collect, in advance except in criminal cases, and issue receipts for, the**  
22 **following fees:**

23 **“(a) For the first appearance of the plaintiff, \$90.**

24 **“(b) For the first appearance of the defendant, \$90.**

25 **“(c) In the small claims department, for a plaintiff filing a claim, [~~\$35~~]**  
26 **~~\$37~~; and for a defendant requesting a hearing, [~~\$35~~] \$37.**

27 **“(d) For transcript of judgment, \$9.**

28 **“(e) For transcript of judgment from the small claims department, \$9.**

29 **“(f) For certified copy of judgment, \$9.**

30 **“(g) For issuing writs of execution or writs of garnishment, \$20 for each**

1 writ.

2 “(h) For issuing notices of restitution as provided in ORS 105.151, \$10 for  
3 each notice.

4 “(i) For filing a motion described in ORS 21.200 in an action not in the  
5 small claims department, \$30.

6 “(j) For supplying to private parties copies of records and files, the same  
7 fees as provided or established for the county clerk under ORS 205.320.

8 “(k) For each official certificate, \$10.

9 “(L) For taking and certifying for a private party an acknowledgment of  
10 proof of any instrument, \$10.

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

13 “(2) Not later than the last day of the month immediately following the  
14 month in which fees set forth in subsection (1) of this section are collected,  
15 the justice of the peace shall pay all such fees, other than those for per-  
16 forming marriage ceremonies, over to the county treasurer of the county  
17 wherein the justice of the peace was elected or appointed, for crediting to  
18 the general fund of the county, and shall take the receipt of the treasurer  
19 therefor.

20 **“SECTION 3. The amendments to ORS 51.310 by section 2 of this**  
21 **2015 Act become operative on January 1, 2018, and apply only to claims**  
22 **filed and hearings requested on or after January 1, 2018.**

23 **“SECTION 4. ORS 52.410 is amended to read:**

24 “52.410. (1) Parties to judicial proceedings in justice courts are required  
25 to contribute toward the expense of maintaining justice courts, or a partic-  
26 ular action or proceeding therein, by the payment of a trial fee, **except that**  
27 **a trial fee may not be required for a hearing or trial in the small**  
28 **claims department of a justice court.**

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

30 **“(2) The trial fee in a justice court for a trial by jury is \$100 for each**

1 full or partial day of trial, payable by the party demanding the jury  
2 trial at the time the demand is made.

3 “(3) The trial fee in a justice court for a trial without a jury is \$100  
4 for each full or partial day of trial, payable by the plaintiff when the  
5 action or proceeding is set for trial.

6 “(4) If a trial continues beyond the number of days originally paid  
7 for under subsection (2) or (3) of this section, the fee for subsequent  
8 days of trial must be paid in advance of each day the trial continues  
9 by the party responsible for the fee under subsection (2) or (3) of this  
10 section.

11 “SECTION 5. ORS 55.130 is amended to read:

12 “55.130. (1) If no appeal is taken by a party against whom a judgment to  
13 make payment is rendered and the party fails to pay the judgment according  
14 to the terms and conditions thereof, the justice of the peace before whom the  
15 hearing was had, may, on application of the prevailing party, certify the  
16 judgment in substantially the following form:

17 “ \_\_\_\_\_  
18 In the Justice Court for \_\_\_\_\_ District, \_\_\_\_\_ County, Oregon.  
19 \_\_\_\_\_  
20 Plaintiff,  
21 vs.  
22 \_\_\_\_\_  
23 Defendant.

24 In the Small Claims Department

25 This is to certify that in a certain action before me, the undersigned, had  
26 on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, wherein \_\_\_\_\_ was plaintiff and  
27 \_\_\_\_\_ was defendant, jurisdiction of the defendant having been had  
28 by personal service (or otherwise), as provided by law, I then and there en-  
29 tered judgment against the (defendant or plaintiff) in the sum of \_\_\_\_\_ dollars,  
30 which judgment has not been paid.

1 Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2\_\_.

2

3

Justice of the Peace

4

Sitting in the Small

5

Claims Department.

6

“ \_\_\_\_\_

7

“(2) Upon the payment of a fee of [~~\$5~~] **\$9** the justice of the peace shall  
8 forthwith enter the judgment transcript on the docket of the justice court.

9

Thereafter execution and other process on execution provided by law may  
10 issue thereon as in other cases of judgments of justice courts, and transcripts  
11 of the judgments may be filed and entered in judgment dockets in circuit  
12 courts with like effect as in other cases.

13

**“SECTION 6. The amendments to ORS 51.310, 52.410 and 55.130 by  
14 sections 1, 4 and 5 of this 2015 Act apply only to proceedings com-  
15 menced or services provided on or after October 1, 2015.**

16

**“SECTION 7. This 2015 Act being necessary for the immediate  
17 preservation of the public peace, health and safety, an emergency is  
18 declared to exist, and this 2015 Act takes effect on its passage.”.**

19

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