

# House Bill 2618

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

## 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 collected by sheriffs. Directs State Court Administrator to calculate increase or decrease in cost of living and adjust fees annually, beginning in 2019.

## A BILL FOR AN ACT

1  
2 Relating to fees collected by sheriffs; creating new provisions; and amending ORS 21.300.

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

4 **SECTION 1** ORS 21.300 is amended to read:

5 21.300. (1) The sheriff of a county shall collect the following fees in civil actions, suits and  
6 proceedings for each case delivered to the office of the sheriff:

7 (a) [~~\$36~~] **\$45** for serving a summons, a subpoena, a citation, an order, a notice, including notice  
8 of seizure and sale of personal or real property, a notice of restitution and notice of seizure under  
9 writ of attachment or execution or a similar document, including small claims or writ of execution,  
10 directed to not more than two parties at the same address. If service is requested for more than two  
11 parties at the same address, the fee is [~~\$20~~] **\$25** for each party at the same address. The fee au-  
12 thorized by this paragraph shall not be charged to the state in civil actions, suits and proceedings  
13 where one party is a person who has been appointed counsel at state expense.

14 (b) For seizure and sale of personal or real property, enforcement of writ of execution of judg-  
15 ment of restitution, or other enforcement or seizure under writ of attachment or execution, or other  
16 process or proceeding, [~~\$70~~] **\$80**, and, in addition, such sums as may be reasonable and necessary for  
17 the costs of standing by in anticipation of securing custody of the property, the expense of securing  
18 each keeper or custodian of property, the expense of inventory of property and the expense incurred  
19 in advertising required by law in the sale of the property.

20 (c) For making a **sheriff's deed, certificate of redemption or** conveyance of real property sold  
21 on any process, [~~\$30~~] **\$50**, to be paid by, or for, the grantee.

22 (d) For making a copy of any process, order, notice or other instrument in writing, when nec-  
23 essary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of  
24 complaint or other document not actually made by the sheriff.

25 *[(e) For entering and processing distraint warrants for state agencies, \$6.25 each.]*

26 (2) Persons other than a sheriff serving process and other documents may charge any fee agreed  
27 to between the server and the person requesting service.

28 (3) **The county may retain** fees collected for service by the sheriff [*shall be retained for the*  
29 *benefit of the county where*] **if** the party to be served cannot be found.

30 (4) [~~No~~] **A sheriff may not collect** mileage or commission [*shall be collected by a sheriff*] for  
31 service of any document or process but in any service involving travel in excess of 75 miles round

**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 trip a **sheriff may bill and collect** an additional fee not to exceed **\$45** [*\$40 may be billed and col-*  
 2 *lected by a sheriff*]. Mileage shall be measured from the location at which the service is made to the  
 3 circuit court in that county.

4 (5) Amounts paid for service of process and other documents may be recovered as costs and  
 5 disbursements to the extent provided by ORS 20.115.

6 (6) A sheriff may not collect a fee under this section for serving a foreign restraining order or  
 7 an order that only grants relief under ORS 107.095 (1)(c).

8 **(7)(a) Beginning in 2019, and every year thereafter, the State Court Administrator shall**  
 9 **determine the percentage increase or decrease in the cost of living for the previous calendar**  
 10 **year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban**  
 11 **Consumers for All Items as published by the Bureau of Labor Statistics of the United States**  
 12 **Department of Labor. On or before July 1 of the year in which the State Court Administrator**  
 13 **makes the determination required by this paragraph, the State Court Administrator shall set**  
 14 **the fees under subsections (1) and (4) of this section for the following calendar year as fol-**  
 15 **lows:**

16 **(A) If the cost of living has increased, the State Court Administrator shall adjust the fees**  
 17 **by multiplying the fee amounts for the year in which the adjustment is made by the per-**  
 18 **centage amount determined under this subsection. The State Court Administrator shall**  
 19 **round the adjusted fees up to the nearest \$1. The adjusted fees become effective on July 1**  
 20 **of the year in which the adjustment is made and apply to all fees incurred on or after July**  
 21 **1 of that year and before July 1 of the subsequent year.**

22 **(B) If the cost of living has not increased, the State Court Administrator may not change**  
 23 **the fees for the following calendar year.**

24 **(b) After the State Court Administrator sets the fees under subsections (1) and (4) of this**  
 25 **section as provided in paragraph (a) of this subsection, the State Court Administrator shall**  
 26 **promptly notify the Oregon State Sheriffs' Association of the fees for the following year.**

27 [(7)] (8) As used in this section:

28 (a) "Folio" means 100 words, counting two figures as one word. Any portion of a folio, when the  
 29 whole paper contains less than a folio, or when such portion is an excess over the last folio, shall  
 30 be deemed a folio.

31 (b) "Foreign restraining order" means a restraining order that is a foreign judgment as defined  
 32 by ORS 24.105.

33 **SECTION 2. The amendments to ORS 21.300 by section 1 of this 2017 Act apply to docu-**  
 34 **ments submitted to a sheriff for service on or after the effective date of this 2017 Act and**  
 35 **to services requested of a sheriff on or after the effective date of this 2017 Act.**