

## HOUSE AMENDMENTS TO HOUSE BILL 2734

By COMMITTEE ON JUDICIARY

April 11

1 On page 1 of the printed bill, line 2, after “46.415” delete the rest of the line and delete line 3  
2 and insert a period.

3 Delete lines 5 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 46.415 is amended to read:

5 “46.415. (1) The judges of a circuit court shall sit as judges of the small claims department.

6 “(2) No formal pleadings other than the claim shall be necessary.

7 “(3) The hearing and disposition of all cases shall be informal, the sole object being to dispense  
8 justice promptly and economically between the litigants. The parties shall have the privilege of of-  
9 fering evidence and testimony of witnesses at the hearing. The judge may informally consult wit-  
10 nesses or otherwise investigate the controversy and give judgment or make such orders as the judge  
11 deems to be right, just and equitable for the disposition of the controversy.

12 “(4) No attorney at law or person other than the plaintiff and defendant and their witnesses  
13 shall appear on behalf of any party in litigation in the small claims department without the consent  
14 of the judge of the court.

15 “(5) Notwithstanding the provisions of ORS 9.320, a party that is not a natural person, the state  
16 or any city, county, district or other political subdivision or public corporation in this state, without  
17 appearance by attorney, may appear as a party to any action in the small claims department and in  
18 any supplementary proceeding in aid of execution after entry of a small claims judgment.

19 “(6) Assigned claims may be prosecuted by an assignee in small claims department to the same  
20 extent they may be prosecuted in any other state court.

21 “**(7) When spouses are both parties to a case, one spouse may appear on behalf of both**  
22 **spouses in mediation or litigation in the small claims department:**

23 “**(a) With the written consent of the other spouse; or**

24 “**(b) If the appearing spouse declares under penalty of perjury that the other spouse**  
25 **consents.**

26 “**SECTION 2. The amendments to ORS 46.415 by section 1 of this 2017 Act apply only to**  
27 **actions commenced in the small claims department of a circuit court on or after the effec-**  
28 **tive date of this 2017 Act.”.**

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