

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2734**

1 On page 1 of the printed bill, line 2, after “46.415” delete the rest of the
2 line and delete line 3 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
6 claims department.

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

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

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

18 “(5) Notwithstanding the provisions of ORS 9.320, a party that is not a
19 natural person, the state or any city, county, district or other political sub-
20 division or public corporation in this state, without appearance by attorney,
21 may appear as a party to any action in the small claims department and in

1 any supplementary proceeding in aid of execution after entry of a small
2 claims judgment.

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

6 “(7) When spouses are both parties to a case, one spouse may ap-
7 pear on behalf of both spouses in mediation or litigation in the small
8 claims department:

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

10 “(b) If the appearing spouse declares under penalty of perjury that
11 the other spouse consents.

12 “SECTION 2. The amendments to ORS 46.415 by section 1 of this
13 2017 Act apply only to actions commenced in the small claims depart-
14 ment of a circuit court on or after the effective date of this 2017
15 Act.”.

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