

# D R A F T

## SUMMARY

Digest: The Act says that the amount of a claim needed to request a jury trial in small claims court includes some interest, costs and fees. (Flesch Readability Score: 69.7).

Clarifies that the total amount or value of a claim required to request a jury trial in small claims court includes identified prejudgment or preaward interest, fees and costs.

## A BILL FOR AN ACT

1  
2 Relating to small claims; creating new provisions; and amending ORS 46.455  
3 and 55.065.

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

5 **SECTION 1.** ORS 46.455 is amended to read:

6 46.455. Within 14 days after the date of service of the notice and claim  
7 upon the defendant as provided in ORS 46.445:

8 (1) If the defendant admits the claim, the defendant may settle it by:

9 (a) Paying to the plaintiff the amount of the claim plus the amount of all  
10 filing fees and service expenses paid by the plaintiff and mailing proof of  
11 that payment to the court.

12 (b) If the claim is for recovery of specific personal property, delivering  
13 the property to the plaintiff and paying to the plaintiff the amount of all  
14 filing fees and service expenses paid by the plaintiff and mailing proof of  
15 that delivery and payment to the court.

16 (2) If the defendant denies the claim, the defendant:

17 (a) May demand a hearing in the small claims department in a written  
18 request to the clerk in the form prescribed by the court, accompanied by

**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 payment of the defendant's fee prescribed; and

2 (b) When demanding a hearing, may assert a counterclaim in the form  
3 provided by the court.

4 (3) If the **total** amount or value claimed, **including identified prejudg-**  
5 **ment or preaward interest, fees and costs**, exceeds \$750, the defendant  
6 has a constitutional right to a jury trial and may claim that right in a  
7 written request to the clerk in the form prescribed by the court, accompanied  
8 by payment of the appearance fee required from defendants under ORS 21.160.  
9 The request shall designate a mailing address to which a summons and copy  
10 of the complaint may be served by mail. Thereafter, the plaintiff's claim will  
11 not be limited to the amount stated in the claim, though it must involve the  
12 same controversy.

13 **SECTION 2.** ORS 55.065 is amended to read:

14 55.065. Within 14 days after the date of service of the notice and claim  
15 upon the defendant as provided in ORS 55.045:

16 (1) If the defendant admits the claim, the defendant may settle it by:

17 (a) Paying to the court the amount of the claim plus the amount of the  
18 small claims fee and service expenses paid by the plaintiff. The court shall  
19 pay to the plaintiff the amounts paid by the defendant.

20 (b) If the claim is for recovery of specific personal property, delivering  
21 the property to the plaintiff and paying to the plaintiff the amount of the  
22 small claims fee and service expenses paid by the plaintiff.

23 (2) If the defendant denies the claim, the defendant:

24 (a) May demand a hearing in the small claims department in a written  
25 request to the court in the form prescribed by the court, accompanied by  
26 payment of the defendant's fee prescribed; and

27 (b) When demanding a hearing, may assert a counterclaim in the form  
28 provided by the court; or

29 (c) If the **total** amount or value claimed, **including identified prejudg-**  
30 **ment or preaward interest, fees and costs**, exceeds \$750, may demand a  
31 jury trial in a written request to the court in the form prescribed by the

1 court, accompanied by payment of the appearance fee prescribed by ORS  
2 51.310 (1)(b) together with the trial fee prescribed by ORS 52.410. The request  
3 shall designate a mailing address to which a summons and copy of the com-  
4 plaint may be served by mail. Thereafter, the plaintiff's claim will not be  
5 limited to the amount stated in the claim, though it must involve the same  
6 controversy.

7 **SECTION 3. The amendments to ORS 46.455 and 55.065 by sections**  
8 **1 and 2 of this 2025 Act apply to demands for jury trial submitted on**  
9 **or after the effective date of this 2025 Act.**

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