

A-Engrossed
House Bill 2463

Ordered by the Senate May 2
Including Senate Amendments dated May 2

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

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act gives a defendant more time to respond to a claim in small claims court. 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: 78.7).

[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).]

Increases the time for a defendant to respond to a claim in small claims court.

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 30.648, 46.445, 46.455, 55.045
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] **30** days after the date of service of the notice and claim upon the defendant
7 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 filing fees and service
10 expenses paid by the plaintiff and mailing proof of that payment to the court.

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

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

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

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

18 (3) If the **total** amount or value claimed, **including identified prejudgment or preaward in-**
19 **terest, fees and costs**, exceeds \$750, the defendant has a constitutional right to a jury trial and
20 may claim that right in a written request to the clerk in the form prescribed by the court, accom-
21 panied by payment of the appearance fee required from defendants under ORS 21.160. The request
22 shall designate a mailing address to which a summons and copy of the complaint may be served by
23 mail. Thereafter, the plaintiff's claim will not be limited to the amount stated in the claim, though
24 it must involve the same controversy.

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 If you fail to do one of the above things within [14] 30 DAYS after receiving this notice, then
2 upon written request from the plaintiff the clerk of the court will enter a judgment against you for
3 the amount claimed plus filing fees and service expenses paid by the plaintiff, plus a prevailing party
4 fee.

5 If you have questions about the small claims court filing procedures after reading this notice,
6 you may contact the clerk of the court; however, the clerk cannot give you legal advice on the
7 claim.

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10 **SECTION 4.** ORS 55.045 is amended to read:

11 55.045. (1) Upon the filing of a claim, the court shall issue a notice in the form prescribed by
12 the court.

13 (2) The notice shall be directed to the defendant, naming the defendant, and shall contain a copy
14 of the claim.

15 (3) If the amount or value claimed is \$50 or more, the notice and claim shall be served upon the
16 defendant in the manner provided for the service of summons and complaint in proceedings in the
17 circuit courts.

18 (4) If the amount or value claimed is less than \$50, the notice and claim shall be served upon
19 the defendant either in the manner provided for the service of summons and complaint in pro-
20 ceedings in the circuit courts or by certified mail, at the option of the plaintiff. If service by certified
21 mail is attempted, the court shall mail the notice and claim by certified mail addressed to the de-
22 fendant at the last-known mailing address of the defendant within the territorial jurisdiction of the
23 court. The envelope shall be marked with the words "Deliver to Addressee Only" and "Return Re-
24 ceipt Requested." The date of delivery appearing on the return receipt shall be prima facie evidence
25 of the date on which the notice and claim was served upon the defendant. If service by certified
26 mail is not successfully accomplished, the notice and claim shall be served in the manner provided
27 for the service of summons and complaint in proceedings in the circuit courts.

28 (5) The notice shall include a statement in substantially the following form:
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31 NOTICE TO DEFENDANT:

32 READ THESE PAPERS CAREFULLY

33 Within [14] 30 DAYS after receiving this notice you MUST do ONE of the following things:

34 Pay the claim plus fees and service expenses paid by plaintiff OR

35 Demand a hearing OR

36 Demand a jury trial

37 If you fail to do one of the above things within [14] 30 DAYS after receiving this notice, then
38 upon written request from the plaintiff, the court will enter a judgment against you for the amount
39 claimed plus fees and service expenses paid by the plaintiff.

40 If you have questions about this notice, you should contact the court immediately.
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43 **SECTION 5.** ORS 30.648 is amended to read:

44 30.648. (1)(a) An adult in custody who brings an action against a public body in a small claims
45 department must serve the notice and claim and all subsequent filings on the public body. If the

1 public body is the Department of Corrections or another state agency, the adult in custody must also
2 serve the notice and claim and all subsequent filings on the Attorney General.

3 (b) Notice and claim served under paragraph (a) of this subsection must be served in the manner
4 provided in ORS 46.445 *[except that the statement required under ORS 46.445 (4) must read “30*
5 *DAYS” instead of “14 DAYS.”]*.

6 (2) The public body or Attorney General served under subsection (1) of this section must take
7 action as required under ORS 46.455 *[except that the public body or Attorney General must admit or*
8 *deny the claim within 30 days after the date of service]*.

9 (3) Notwithstanding ORS 46.405, in an action against a public body brought under this section,
10 the court shall transfer the action to the regular department of the circuit court upon request of the
11 public body or, if the public body is the Department of Corrections or another state agency, or an
12 officer, employee or agent of the Department of Corrections or the state agency, upon request of the
13 public body or the Attorney General.

14 (4) Notwithstanding ORS 46.415, in an action against a public body brought under this section,
15 if the public body is the Department of Corrections or another state agency, or an officer, employee
16 or agent of the Department of Corrections or the state agency, an attorney or paralegal employed
17 by the Department of Justice may appear and represent the public body.

18 (5)(a) Notwithstanding ORS 46.475, in an action against a public body brought under this section,
19 notice of intent to apply for an order of default, in the form prescribed by Uniform Trial Court Rule
20 2.010, must be filed and served on the public body against which an order of default is sought at
21 least 10 days before a court may enter an order of default. If the public body is the Department of
22 Corrections or another state agency, or an officer, employee or agent of the Department of Cor-
23 rections or the state agency, notice must also be served on the Attorney General.

24 (b) The court may not enter a default judgment in favor of the adult in custody unless the adult
25 in custody submits to the court proof of service by affidavit of the notice and claim required under
26 subsection (1) of this section and the notice of intent to apply for an order of default required under
27 paragraph (a) of this subsection.

28 **SECTION 6. The amendments to ORS 30.648, 46.445, 46.455, 55.045 and 55.065 by sections**
29 **1 to 5 of this 2025 Act apply to claims filed in a small claims department on or after the ef-**
30 **fective date of this 2025 Act.**

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