

Enrolled
House Bill 2618

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 21.300 is amended to read:

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

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

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

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

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

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

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

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

(4) [~~No~~] **A sheriff may not collect** mileage or commission [*shall be collected by a sheriff*] for service of any document or process but in any service involving travel in excess of 75 miles round trip **a sheriff may bill and collect** an additional fee not to exceed **\$45** [*\$40 may be billed and collected by a sheriff*]. Mileage shall be measured from the location at which the service is made to the circuit court in that county.

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

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

(7) As used in this section:

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

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

SECTION 2. The amendments to ORS 21.300 by section 1 of this 2017 Act apply to documents submitted to a sheriff for service on or after the effective date of this 2017 Act and to services requested of a sheriff on or after the effective date of this 2017 Act.

SECTION 3. (1) On January 1, 2021, the Oregon Department of Administrative Services shall determine the cumulative percentage increase or decrease in the cost of living for the previous four years, based on changes in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items as published by the Bureau of Labor Statistics of the United States Department of Labor. The Oregon Department of Administrative Services shall adjust the fees under ORS 21.300 (1) and (4) as follows:

(a) If the cost of living has increased, the department shall adjust the fees by multiplying the fee amounts by the percentage amount determined under this subsection. The department shall round the adjusted fees up to the nearest \$1. The adjusted fees become effective on July 1, 2021, and apply to all fees incurred on or after July 1, 2021.

(b) If the cost of living has not increased, the department may not change the fees.

(2) After the department adjusts the fees under ORS 21.300 (1) and (4) as provided in subsection (1) of this section, the department shall promptly notify the Oregon State Sheriffs' Association of the adjusted fees.

Passed by House March 21, 2017

Received by Governor:

Repassed by House June 6, 2017

.....M.,....., 2017

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 1, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

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Peter Courtney, President of Senate

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Dennis Richardson, Secretary of State