

Enrolled House Bill 2734

Sponsored by Representative GREENLICK; Senator MANNING JR (at the request of Jeff Merrick)

CHAPTER

AN ACT

Relating to small claims; creating new provisions; and amending ORS 46.415 and 55.090.

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

SECTION 1. ORS 46.415 is amended to read:

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

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

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

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

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

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

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

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

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

SECTION 2. ORS 55.090 is amended to read:

55.090. (1) Except as may otherwise be provided by ORS 55.040, no attorney at law nor any person other than the plaintiff and defendant shall become involved in or in any manner interfere with the prosecution or defense of the litigation in the department without the consent of the justice of the justice court, nor shall it be necessary to summon witnesses. But the plaintiff and defendant may offer evidence in their behalf by witnesses appearing at the hearing, and the justice may informally consult witnesses or otherwise investigate the controversy and give judgment or make such orders as the justice deems right, just and equitable for the disposition of the controversy.

(2) Notwithstanding ORS 9.320, a party that is not a natural person, state or any city, county, district or other political subdivision or public corporation in this state may appear as a party to any action in the department without appearance by attorney.

(3) When spouses are both parties to an action, one spouse may appear on behalf of both spouses in mediation or litigation in the small claims department:

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

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

SECTION 3. The amendments to ORS 46.415 and 55.090 by sections 1 and 2 of this 2017 Act apply only to actions commenced in the small claims department of a circuit court on or after the effective date of this 2017 Act.

Passed by House April 19, 2017

Received by Governor:

Repassed by House May 30, 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 May 24, 2017

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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

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Dennis Richardson, Secretary of State