

Enrolled
Senate Bill 767

Sponsored by COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION
(at the request of Oregon Justice of the Peace Association)

CHAPTER

AN ACT

Relating to courts; creating new provisions; and amending ORS 18.225, 55.020, 55.030 and 153.061.

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

SECTION 1. ORS 18.225 is amended to read:

18.225. (1) A satisfaction document may be for full or partial satisfaction of a money award. The title of the document must indicate whether the money award has been partially or fully satisfied. A satisfaction document must be signed by the judgment creditor or by an attorney who represents the judgment creditor. The signature of the judgment creditor or attorney signing a satisfaction document must be witnessed by a notary public **or accompanied by a declaration under penalty of perjury as described in ORCP 1 E.**

(2) When the money award portion of a judgment has been fully satisfied, the judgment creditor must:

(a) File a satisfaction document for the full amount of the money award portion of the judgment in the county in which the judgment was entered; and

(b) Deliver to the judgment debtor a satisfaction document for the full amount of the money award portion of the judgment for every county in which the judgment has been recorded under ORS 18.152.

(3) Upon request by a judgment debtor or any person with an interest in real property subject to a judgment lien, a judgment creditor must provide to the judgment debtor a satisfaction document for all amounts credited against a money award as of the date that the satisfaction document is signed.

(4) A satisfaction document may be filed with the court administrator at any time after entry of a judgment. The court administrator may not charge a fee for filing a satisfaction document. The court administrator shall note in the register and in the judgment lien record that the satisfaction document has been filed, and shall note if the document indicates that the money award has been fully satisfied.

(5) Upon payment of all required fees, the court administrator shall issue a certified copy of any satisfaction document filed with the court administrator and entered in the court register. The certified copy may be recorded in any County Clerk Lien Record in which the judgment was recorded under ORS 18.152.

(6) A satisfaction document for a support award that is paid to the Department of Justice may be filed with the court administrator only as provided in ORS 18.228.

(7) This section does not apply to justice courts, municipal courts or county courts performing judicial functions.

SECTION 2. ORS 55.020 is amended to read:

55.020. An action in the small claims department shall be commenced by the plaintiff *[appearing in person or by agent or assignee before the court and filing a verified claim]* **filing a claim with the clerk of the court** in the form prescribed by the justice of the peace along with the fee prescribed by ORS 51.310 (1)(c).

SECTION 3. ORS 55.030 is amended to read:

55.030. The claim shall contain the name and address of the plaintiff and of the defendant, followed by a plain and simple statement of the claim, including the amount and date the claim allegedly accrued. The claim shall include an affidavit signed by the plaintiff **or a declaration under penalty of perjury as described in ORCP 1 E, attesting to or declaring the accuracy of the statements in the claim** and stating that the plaintiff made a bona fide effort to collect the claim from the defendant before filing the claim with the justice court.

SECTION 4. ORS 153.061 is amended to read:

153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

(b) Make a first appearance in the manner provided in subsection (3) of this section before the time indicated in the summons.

(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which a police officer noted that the offense contributed to an accident and that the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way, the officer may not enter the amount of the presumptive fine on the summons and the defendant must make a first appearance by personally appearing in court at the time indicated in the summons.

(3)(a) Except as provided in this section, a defendant who has been issued a violation citation may make a first appearance in the matter before the time indicated in the summons by one of the following means:

(A) The defendant may submit to the court a written or oral request for a trial.

(B) The defendant may enter a plea of no contest by:

(i) Delivering to the court, *[or]* a Central Violations Bureau established under ORS 153.806 **or a Violations Bureau established by the court under ORS 153.800** the summons and a check or money order in the amount of the presumptive fine set forth in the summons; or

(ii) Appearing by electronic or telephonic means and entering the plea with a Central Violations Bureau established under ORS 153.806 **or a Violations Bureau established by the court under ORS 153.800.**

(b) The entry of a plea under paragraph (a)(B) of this subsection constitutes a waiver of trial and consent to the entry of a judgment forfeiting the presumptive fine.

(c) A no contest plea under this subsection is not subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment against the defendant without taking further evidence.

(4) The court may require that a defendant requesting a trial under subsection (3) of this section deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such other amount as the court determines appropriate if the defendant has failed to appear in any court on one or more other charges in the past. If the defendant does not deposit the amount specified by the court, the defendant must personally appear in court at the time indicated in the summons. The amount deposited by the defendant may be applied against any fine imposed by the court, and any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

(5) The court may require a defendant to appear personally in any case, or may require that all defendants appear in specified categories of cases.

(6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this section, and the court determines that the presumptive fine is not adequate by reason of previous convictions of the defendant, the nature of the offense charged or other circumstances, the court

may require that a trial be held unless an additional fine amount is paid by the defendant before a specified date. Notice of an additional fine amount under this subsection may be given to the defendant by mail. In no event may the court require a total fine amount in excess of the maximum fine established for the violation by statute.

(7) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails to appear at any other subsequent time set for trial or other appearance, the driving privileges of the defendant are subject to suspension under ORS 809.220.

SECTION 5. (1) The amendments to ORS 18.225 by section 1 of this 2021 Act apply to satisfaction documents signed on or after the effective date of this 2021 Act.

(2) The amendments to ORS 55.030 by section 3 of this 2021 Act apply to claims filed on or after the effective date of this 2021 Act.

Passed by Senate April 19, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 7, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State