

HB 2463 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/14, 4/28

WHAT THE MEASURE DOES:

The measure clarifies that the total amount claimed in a small claims case can include identified prejudgment and preaward interest, fees and costs, when determining if the claim total exceeds \$750. The measure applies to demands for jury trial submitted in small claims matters on or after the measure's effective date.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

HOUSE VOTE: Ayes, 56; Nays, 0

ISSUES DISCUSSED:

- Oregon State Bar Law Improvement Program
- Small claims litigants cannot be represented by attorneys in court
- Whether expanding the time for a small claims defendant to answer would impact courts

EFFECT OF AMENDMENT:

-2 The amendment extends the time to 30 days from 14 days in which a defendant to a small claims matter may settle the claim or demand a hearing or jury trial, and makes conforming changes to ORS 46.445, ORS 55.045, and ORS 30.648. The amendment also modifies the applicability clause, making the measure's changes applicable to claims filed in a small claims department on or after the measure's effective date.

BACKGROUND:

Small claims provide less formal hearings and trials than regular circuit court proceedings, with the object of providing prompt and economical conclusion of disputes. An attorney is not allowed participate in small claims court for a client absent the judge's consent. Judgments from small claims proceedings are not appealable and have the full force and effect as regular circuit court judgments. When the value claimed is over \$750, the Oregon Constitution provides a right to a jury trial. Or. Const. Art VII, Sec. 3. Claims for values under \$750 that do not have statutory attorney fees must be filed in small claims court. ORS 46.405(2); ORS 55.011(2). Persons may opt to file in small claims court anytime the claimed value is \$10,000 or less, but the defendant may request a jury trial and have the case transferred to the regular circuit court if the amount is over \$750.