

HB 2463 A STAFF MEASURE SUMMARY**Carrier:** Sen. McLane**Senate Committee On Judiciary****Action Date:** 04/28/25**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-0-0-0**Yeas:** 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Tisha Pascone, LPRO Analyst**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 pre-award interest, fees and costs, when determining if the claim total exceeds \$750. The measure 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 it makes conforming changes to ORS 46.445, ORS 55.045, and ORS 30.648. The measure's changes are applicable to claims filed in a small claims department on or after the measure's effective date.

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:

The amendment extends the time to 30 days from 14 days in which a defendant in a small claims matter may settle the claim or demand a hearing or jury trial, and it 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 to participate in small claims court for a client absent the judge's consent. Judgments from small claims proceedings are not appealable and have the same 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 must be filed in small claims court, with some exceptions, including class actions and claims involving statutory attorney fees. 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.