

House Bill 2463

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that the amount of a claim needed to request a jury trial in small claims court includes some interest, costs and fees. (Flesch Readability Score: 69.7).

Clarifies that the total amount or value of a claim required to request a jury trial in small claims court includes identified prejudgment or preaward interest, fees and costs.

A BILL FOR AN ACT

1 Relating to small claims; creating new provisions; and amending ORS 46.455 and 55.065.

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

3 **SECTION 1.** ORS 46.455 is amended to read:

4 46.455. Within 14 days after the date of service of the notice and claim upon the defendant as
5 provided in ORS 46.445:

6 (1) If the defendant admits the claim, the defendant may settle it by:

7 (a) Paying to the plaintiff the amount of the claim plus the amount of all filing fees and service
8 expenses paid by the plaintiff and mailing proof of that payment to the court.

9 (b) If the claim is for recovery of specific personal property, delivering the property to the
10 plaintiff and paying to the plaintiff the amount of all filing fees and service expenses paid by the
11 plaintiff and mailing proof of that delivery and payment to the court.

12 (2) If the defendant denies the claim, the defendant:

13 (a) May demand a hearing in the small claims department in a written request to the clerk in
14 the form prescribed by the court, accompanied by payment of the defendant's fee prescribed; and

15 (b) When demanding a hearing, may assert a counterclaim in the form provided by the court.

16 (3) If the **total** amount or value claimed, **including identified prejudgment or preaward in-**
17 **terest, fees and costs**, exceeds \$750, the defendant has a constitutional right to a jury trial and
18 may claim that right in a written request to the clerk in the form prescribed by the court, accom-
19 panied by payment of the appearance fee required from defendants under ORS 21.160. The request
20 shall designate a mailing address to which a summons and copy of the complaint may be served by
21 mail. Thereafter, the plaintiff's claim will not be limited to the amount stated in the claim, though
22 it must involve the same controversy.

23 **SECTION 2.** ORS 55.065 is amended to read:

24 55.065. Within 14 days after the date of service of the notice and claim upon the defendant as
25 provided in ORS 55.045:

26 (1) If the defendant admits the claim, the defendant may settle it by:

27 (a) Paying to the court the amount of the claim plus the amount of the small claims fee and
28 service expenses paid by the plaintiff. The court shall pay to the plaintiff the amounts paid by the
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 defendant.

2 (b) If the claim is for recovery of specific personal property, delivering the property to the
3 plaintiff and paying to the plaintiff the amount of the small claims fee and service expenses paid by
4 the plaintiff.

5 (2) If the defendant denies the claim, the defendant:

6 (a) May demand a hearing in the small claims department in a written request to the court in
7 the form prescribed by the court, accompanied by payment of the defendant's fee prescribed; and

8 (b) When demanding a hearing, may assert a counterclaim in the form provided by the court;
9 or

10 (c) If the **total** amount or value claimed, **including identified prejudgment or preaward in-**
11 **terest, fees and costs**, exceeds \$750, may demand a jury trial in a written request to the court in
12 the form prescribed by the court, accompanied by payment of the appearance fee prescribed by ORS
13 51.310 (1)(b) together with the trial fee prescribed by ORS 52.410. The request shall designate a
14 mailing address to which a summons and copy of the complaint may be served by mail. Thereafter,
15 the plaintiff's claim will not be limited to the amount stated in the claim, though it must involve the
16 same controversy.

17 **SECTION 3. The amendments to ORS 46.455 and 55.065 by sections 1 and 2 of this 2025**
18 **Act apply to demands for jury trial submitted on or after the effective date of this 2025 Act.**

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