

SENATE AMENDMENTS TO HOUSE BILL 2463

By COMMITTEE ON JUDICIARY

May 2

On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “30.648, 46.445, 46.455, 55.045 and 55.065.”.

In line 5, delete “14” and insert “30”.

In line 25, delete “14” and insert “30”.

On page 2, delete lines 17 and 18 and insert:

“**SECTION 3.** ORS 46.445 is amended to read:

“46.445. (1) Upon the filing of a claim in the small claims department of a circuit court, the clerk shall issue a notice in the form prescribed by the court.

“(2) The notice shall be directed to the defendant, naming the defendant, and shall contain a copy of the claim.

“(3) The notice and claim shall be served upon the defendant either in the manner provided for the service of summons and complaint in proceedings in the circuit courts or by certified mail, at the option of the plaintiff. If service by certified mail is attempted, the plaintiff shall mail the notice and claim by certified mail addressed to the defendant at the last-known mailing address of the defendant. The envelope shall be marked with the words ‘Deliver to Addressee Only’ and ‘Return Receipt Requested.’ The date of delivery appearing on the return receipt shall be prima facie evidence of the date on which the notice and claim was served upon the defendant. If service by certified mail is not successfully accomplished, the notice and claim shall be served in the manner provided for the service of summons and complaint in proceedings in the circuit courts.

“(4) The notice shall include a statement in substantially the following form:

“

NOTICE TO DEFENDANT:

READ THESE PAPERS CAREFULLY!

Within [14] **30** DAYS after receiving this notice you **MUST** do ONE of the following things:

Pay the claim plus filing fees and service expenses paid by plaintiff OR

Demand a hearing OR

Demand a jury trial

If you fail to do one of the above things within [14] **30** DAYS after receiving this notice, then upon written request from the plaintiff the clerk of the court will enter a judgment against you for the amount claimed plus filing fees and service expenses paid by the plaintiff, plus a prevailing party fee.

If you have questions about the small claims court filing procedures after reading this notice, you may contact the clerk of the court; however, the clerk cannot give you legal advice on the claim.

1 “

2
3 **“SECTION 4.** ORS 55.045 is amended to read:

4 “55.045. (1) Upon the filing of a claim, the court shall issue a notice in the form prescribed by
5 the court.

6 “(2) The notice shall be directed to the defendant, naming the defendant, and shall contain a
7 copy of the claim.

8 “(3) If the amount or value claimed is \$50 or more, the notice and claim shall be served upon
9 the defendant in the manner provided for the service of summons and complaint in proceedings in
10 the circuit courts.

11 “(4) If the amount or value claimed is less than \$50, the notice and claim shall be served upon
12 the defendant either in the manner provided for the service of summons and complaint in pro-
13 ceedings in the circuit courts or by certified mail, at the option of the plaintiff. If service by certified
14 mail is attempted, the court shall mail the notice and claim by certified mail addressed to the de-
15 fendant at the last-known mailing address of the defendant within the territorial jurisdiction of the
16 court. The envelope shall be marked with the words ‘Deliver to Addressee Only’ and ‘Return Re-
17 ceipt Requested.’ The date of delivery appearing on the return receipt shall be prima facie evidence
18 of the date on which the notice and claim was served upon the defendant. If service by certified
19 mail is not successfully accomplished, the notice and claim shall be served in the manner provided
20 for the service of summons and complaint in proceedings in the circuit courts.

21 “(5) The notice shall include a statement in substantially the following form:

22 “

23
24 NOTICE TO DEFENDANT:

25 READ THESE PAPERS CAREFULLY

26 Within [14] **30** DAYS after receiving this notice you **MUST** do ONE of the following things:

27 Pay the claim plus fees and service expenses paid by plaintiff OR

28 Demand a hearing OR

29 Demand a jury trial

30 If you fail to do one of the above things within [14] **30** DAYS after receiving this notice, then
31 upon written request from the plaintiff, the court will enter a judgment against you for the amount
32 claimed plus fees and service expenses paid by the plaintiff.

33 If you have questions about this notice, you should contact the court immediately.

34 “

35
36 **“SECTION 5.** ORS 30.648 is amended to read:

37 “30.648. (1)(a) An adult in custody who brings an action against a public body in a small claims
38 department must serve the notice and claim and all subsequent filings on the public body. If the
39 public body is the Department of Corrections or another state agency, the adult in custody must also
40 serve the notice and claim and all subsequent filings on the Attorney General.

41 “(b) Notice and claim served under paragraph (a) of this subsection must be served in the man-
42 ner provided in ORS 46.445 *[except that the statement required under ORS 46.445 (4) must read ‘30*
43 *DAYS’ instead of ‘14 DAYS.’]*.

44 “(2) The public body or Attorney General served under subsection (1) of this section must take
45 action as required under ORS 46.455 *[except that the public body or Attorney General must admit or*

1 *deny the claim within 30 days after the date of service].*

2 “(3) Notwithstanding ORS 46.405, in an action against a public body brought under this section,
3 the court shall transfer the action to the regular department of the circuit court upon request of the
4 public body or, if the public body is the Department of Corrections or another state agency, or an
5 officer, employee or agent of the Department of Corrections or the state agency, upon request of the
6 public body or the Attorney General.

7 “(4) Notwithstanding ORS 46.415, in an action against a public body brought under this section,
8 if the public body is the Department of Corrections or another state agency, or an officer, employee
9 or agent of the Department of Corrections or the state agency, an attorney or paralegal employed
10 by the Department of Justice may appear and represent the public body.

11 “(5)(a) Notwithstanding ORS 46.475, in an action against a public body brought under this sec-
12 tion, notice of intent to apply for an order of default, in the form prescribed by Uniform Trial Court
13 Rule 2.010, must be filed and served on the public body against which an order of default is sought
14 at least 10 days before a court may enter an order of default. If the public body is the Department
15 of Corrections or another state agency, or an officer, employee or agent of the Department of Cor-
16 rections or the state agency, notice must also be served on the Attorney General.

17 “(b) The court may not enter a default judgment in favor of the adult in custody unless the adult
18 in custody submits to the court proof of service by affidavit of the notice and claim required under
19 subsection (1) of this section and the notice of intent to apply for an order of default required under
20 paragraph (a) of this subsection.

21 “**SECTION 6. The amendments to ORS 30.648, 46.445, 46.455, 55.045 and 55.065 by sections**
22 **1 to 5 of this 2025 Act apply to claims filed in a small claims department on or after the ef-**
23 **fective date of this 2025 Act.”.**