

HB 2463-2
(LC 515)
4/21/25 (MNJ/ps)

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
HOUSE BILL 2463**

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

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

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

5 On page 2, delete lines 17 through 19 and insert:

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

7 “46.445. (1) Upon the filing of a claim in the small claims department of
8 a circuit court, the clerk shall issue a notice in the form prescribed by the
9 court.

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

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

1 be served in the manner provided for the service of summons and complaint
2 in proceedings in the circuit courts.

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

5 “

6 NOTICE TO DEFENDANT:

7 READ THESE PAPERS CAREFULLY!

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

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

11 “Demand a hearing OR

12 “Demand a jury trial

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

18 “If you have questions about the small claims court filing procedures af-
19 ter reading this notice, you may contact the clerk of the court; however, the
20 clerk cannot give you legal advice on the claim.

21 “

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

23 “55.045. (1) Upon the filing of a claim, the court shall issue a notice in
24 the form prescribed by the court.

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

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

30 “(4) If the amount or value claimed is less than \$50, the notice and claim

1 shall be served upon the defendant either in the manner provided for the
2 service of summons and complaint in proceedings in the circuit courts or by
3 certified mail, at the option of the plaintiff. If service by certified mail is
4 attempted, the court shall mail the notice and claim by certified mail ad-
5 dressed to the defendant at the last-known mailing address of the defendant
6 within the territorial jurisdiction of the court. The envelope shall be marked
7 with the words 'Deliver to Addressee Only' and 'Return Receipt Requested.'
8 The date of delivery appearing on the return receipt shall be prima facie
9 evidence of the date on which the notice and claim was served upon the de-
10 fendant. If service by certified mail is not successfully accomplished, the
11 notice and claim shall be served in the manner provided for the service of
12 summons and complaint in proceedings in the circuit courts.

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

15 “

16 NOTICE TO DEFENDANT:

17 READ THESE PAPERS CAREFULLY

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

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

21 “Demand a hearing OR

22 “Demand a jury trial

23 “If you fail to do one of the above things within [14] **30** DAYS after re-
24 ceiving this notice, then upon written request from the plaintiff, the court
25 will enter a judgment against you for the amount claimed plus fees and ser-
26 vice expenses paid by the plaintiff.

27 “If you have questions about this notice, you should contact the court
28 immediately.

29 “

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

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

6 “(b) Notice and claim served under paragraph (a) of this subsection must
7 be served in the manner provided in ORS 46.445 [*except that the statement*
8 *required under ORS 46.445 (4) must read ‘30 DAYS’ instead of ‘14 DAYS.’*].

9 “(2) The public body or Attorney General served under subsection (1) of
10 this section must take action as required under ORS 46.455 [*except that the*
11 *public body or Attorney General must admit or deny the claim within 30 days*
12 *after the date of service*].

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

19 “(4) Notwithstanding ORS 46.415, in an action against a public body
20 brought under this section, if the public body is the Department of Cor-
21 rections or another state agency, or an officer, employee or agent of the
22 Department of Corrections or the state agency, an attorney or paralegal
23 employed by the Department of Justice may appear and represent the public
24 body.

25 “(5)(a) Notwithstanding ORS 46.475, in an action against a public body
26 brought under this section, notice of intent to apply for an order of default,
27 in the form prescribed by Uniform Trial Court Rule 2.010, must be filed and
28 served on the public body against which an order of default is sought at least
29 10 days before a court may enter an order of default. If the public body is
30 the Department of Corrections or another state agency, or an officer, em-

1 ployee or agent of the Department of Corrections or the state agency, notice
2 must also be served on the Attorney General.

3 “(b) The court may not enter a default judgment in favor of the adult in
4 custody unless the adult in custody submits to the court proof of service by
5 affidavit of the notice and claim required under subsection (1) of this section
6 and the notice of intent to apply for an order of default required under par-
7 agraph (a) of this subsection.

8 **“SECTION 6. The amendments to ORS 30.648, 46.445, 46.455, 55.045
9 and 55.065 by sections 1 to 5 of this 2025 Act apply to claims filed in a
10 small claims department on or after the effective date of this 2025
11 Act.”.**

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