

# Senate Bill 767

Sponsored by COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Oregon Justice of the Peace Association)

## 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**.

Allows signature of judgment creditor or attorney signing satisfaction document to be notarized or accompanied by declaration under penalty of perjury.

Modifies requirements for filing small claims action in justice court. Allows statement of claim to be attested by affidavit or by declaration under penalty of perjury.

Allows defendant to enter plea of no contest to violation citation by entering plea with Violations Bureau established by court.

## A BILL FOR AN ACT

1  
2 Relating to courts; creating new provisions; and amending ORS 18.225, 55.020, 55.030 and 153.061.

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

4 **SECTION 1.** ORS 18.225 is amended to read:

5 18.225. (1) A satisfaction document may be for full or partial satisfaction of a money award. The  
6 title of the document must indicate whether the money award has been partially or fully satisfied.  
7 A satisfaction document must be signed by the judgment creditor or by an attorney who represents  
8 the judgment creditor. The signature of the judgment creditor or attorney signing a satisfaction  
9 document must be witnessed by a notary public **or accompanied by a declaration under penalty**  
10 **of perjury as described in ORCP 1 E.**

11 (2) When the money award portion of a judgment has been fully satisfied, the judgment creditor  
12 must:

13 (a) File a satisfaction document for the full amount of the money award portion of the judgment  
14 in the county in which the judgment was entered; and

15 (b) Deliver to the judgment debtor a satisfaction document for the full amount of the money  
16 award portion of the judgment for every county in which the judgment has been recorded under ORS  
17 18.152.

18 (3) Upon request by a judgment debtor or any person with an interest in real property subject  
19 to a judgment lien, a judgment creditor must provide to the judgment debtor a satisfaction document  
20 for all amounts credited against a money award as of the date that the satisfaction document is  
21 signed.

22 (4) A satisfaction document may be filed with the court administrator at any time after entry  
23 of a judgment. The court administrator may not charge a fee for filing a satisfaction document. The  
24 court administrator shall note in the register and in the judgment lien record that the satisfaction  
25 document has been filed, and shall note if the document indicates that the money award has been  
26 fully satisfied.

27 (5) Upon payment of all required fees, the court administrator shall issue a certified copy of any  
28 satisfaction document filed with the court administrator and entered in the court register. The cer-

**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 tified copy may be recorded in any County Clerk Lien Record in which the judgment was recorded  
 2 under ORS 18.152.

3 (6) A satisfaction document for a support award that is paid to the Department of Justice may  
 4 be filed with the court administrator only as provided in ORS 18.228.

5 (7) This section does not apply to justice courts, municipal courts or county courts performing  
 6 judicial functions.

7 **SECTION 2.** ORS 55.020 is amended to read:

8 55.020. An action in the small claims department shall be commenced by the plaintiff [*appearing*  
 9 *in person or by agent or assignee before the court and filing a verified claim*] **filing a claim with the**  
 10 **clerk of the court** in the form prescribed by the justice of the peace along with the fee prescribed  
 11 by ORS 51.310 (1)(c).

12 **SECTION 3.** ORS 55.030 is amended to read:

13 55.030. The claim shall contain the name and address of the plaintiff and of the defendant, fol-  
 14 lowed by a plain and simple statement of the claim, including the amount and date the claim  
 15 allegedly accrued. The claim shall include an affidavit signed by the plaintiff **or a declaration un-**  
 16 **der penalty of perjury as described in ORCP 1 E, attesting to or declaring the accuracy of**  
 17 **the statements in the claim** and stating that the plaintiff made a bona fide effort to collect the  
 18 claim from the defendant before filing the claim with the justice court.

19 **SECTION 4.** ORS 153.061 is amended to read:

20 153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued  
 21 a violation citation must either:

22 (a) Make a first appearance by personally appearing in court at the time indicated in the sum-  
 23 mons; or

24 (b) Make a first appearance in the manner provided in subsection (3) of this section before the  
 25 time indicated in the summons.

26 (2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which  
 27 a police officer noted that the offense contributed to an accident and that the cited offense appears  
 28 to have contributed to the serious physical injury or death of a vulnerable user of a public way, the  
 29 officer may not enter the amount of the presumptive fine on the summons and the defendant must  
 30 make a first appearance by personally appearing in court at the time indicated in the summons.

31 (3)(a) Except as provided in this section, a defendant who has been issued a violation citation  
 32 may make a first appearance in the matter before the time indicated in the summons by one of the  
 33 following means:

34 (A) The defendant may submit to the court a written or oral request for a trial.

35 (B) The defendant may enter a plea of no contest by:

36 (i) Delivering to the court, [*or*] a Central Violations Bureau established under ORS 153.806 **or**  
 37 **a Violations Bureau established by the court under ORS 153.800** the summons and a check or  
 38 money order in the amount of the presumptive fine set forth in the summons; or

39 (ii) Appearing by electronic or telephonic means and entering the plea with a Central Violations  
 40 Bureau established under ORS 153.806 **or a Violations Bureau established by the court under**  
 41 **ORS 153.800.**

42 (b) The entry of a plea under paragraph (a)(B) of this subsection constitutes a waiver of trial  
 43 and consent to the entry of a judgment forfeiting the presumptive fine.

44 (c) A no contest plea under this subsection is not subject to the requirements of ORS chapter  
 45 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment

1 against the defendant without taking further evidence.

2 (4) The court may require that a defendant requesting a trial under subsection (3) of this section  
 3 deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such  
 4 other amount as the court determines appropriate if the defendant has failed to appear in any court  
 5 on one or more other charges in the past. If the defendant does not deposit the amount specified  
 6 by the court, the defendant must personally appear in court at the time indicated in the summons.  
 7 The amount deposited by the defendant may be applied against any fine imposed by the court, and  
 8 any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

9 (5) The court may require a defendant to appear personally in any case, or may require that all  
 10 defendants appear in specified categories of cases.

11 (6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this  
 12 section, and the court determines that the presumptive fine is not adequate by reason of previous  
 13 convictions of the defendant, the nature of the offense charged or other circumstances, the court  
 14 may require that a trial be held unless an additional fine amount is paid by the defendant before a  
 15 specified date. Notice of an additional fine amount under this subsection may be given to the de-  
 16 fendant by mail. In no event may the court require a total fine amount in excess of the maximum  
 17 fine established for the violation by statute.

18 (7) If a defendant fails to make a first appearance on a citation for a traffic violation, as defined  
 19 by ORS 801.557, fails to make a first appearance on a citation for a violation of ORS 471.430, or fails  
 20 to appear at any other subsequent time set for trial or other appearance, the driving privileges of  
 21 the defendant are subject to suspension under ORS 809.220.

22 **SECTION 5. (1) The amendments to ORS 18.225 by section 1 of this 2021 Act apply to**  
 23 **satisfaction documents signed on or after the effective date of this 2021 Act.**

24 **(2) The amendments to ORS 55.030 by section 3 of this 2021 Act apply to claims filed on**  
 25 **or after the effective date of this 2021 Act.**

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