

# House Bill 2215

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

## 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**.

Provides, with certain exceptions, that actions and other proceedings against state government and subdivisions of state government must be commenced in Marion County or in county in which cause of action arises.

## A BILL FOR AN ACT

1  
2 Relating to venue; creating new provisions; and amending ORS 14.060 and 14.080.

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

4 **SECTION 1.** ORS 14.060 is amended to read:

5 14.060. [*Any suit against any department, official, officer, commissioner, commission or board of*  
6 *the state, as such, or in virtue of such status, other than a suit for the causes enumerated in ORS*  
7 *14.040, may be brought in the county wherein the cause of suit, or some part thereof, arose.] **Except**  
8 **for causes of action that are subject to ORS 14.040, the following actions and proceedings**  
9 **must be commenced in Marion County or in the county in which the cause of action arises:***

10 (1) **An action or other proceeding against state government, as defined in ORS 174.111,**  
11 **or against any subdivision of state government, as defined in ORS 174.111.**

12 (2) **An action or other proceeding against an officer, employee or agent of state govern-**  
13 **ment, as defined in ORS 174.111, or against an officer, employee or agent of any subdivision**  
14 **of state government, as defined in ORS 174.111, for acts or omissions in the course of the**  
15 **defendant's employment or duties.**

16 **SECTION 2.** ORS 14.080 is amended to read:

17 14.080. (1) All [*other*] actions [*shall*] **and proceedings other than those enumerated in ORS**  
18 **14.040, 14.050 and 14.060 must** be commenced in the county in which the defendants, or one of  
19 them, reside at the commencement of the action or in the county where the cause of action arose.  
20 A party resident of more than one county shall be deemed a resident of each such county. If none  
21 of the defendants reside in this state the action may be commenced in any county.

22 (2) For purposes of this section, a corporation incorporated under the laws of this state, a lim-  
23 ited partnership or a foreign corporation authorized to do business in this state shall be deemed to  
24 be a resident of any county where the corporation or limited partnership conducts regular, sustained  
25 business activity or has an office for the transaction of business or where any agent authorized to  
26 receive process resides. A foreign corporation or foreign limited partnership not authorized to  
27 transact business in this state shall be deemed not to be a resident of any county in this state.

28 (3) For purposes of this section, a partnership or other unincorporated association subject to  
29 being sued in its own name shall be deemed a resident of any county where any person resides upon  
30 whom summons could be served for service upon the partnership or unincorporated association.

**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        **SECTION 3.** The amendments to ORS 14.060 by section 1 of this 2005 Act apply only to  
2 actions and proceedings commenced as described in ORS 12.020 on or after the effective date  
3 of this 2005 Act.

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