

**Oregon Rules of Civil Procedure  
Legislative Amendments 1979-2023**

**ORCP 64**

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Lewis & Clark Law School | Oregon Council on Court Procedures

## Rule 64 – New Trials

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§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.284 § 39
C	Unamended
D	Or. Laws 2003 c.194 § 12
E	Or. Laws 2003 c.194 § 12
F	Or. Laws 2003 c.194 § 12
G	Unamended

### Or. Laws 1979 c.284 § 39

Amends Rule 64(B)

- A. [Unamended]
- B. **Jury trial; grounds for new trial.** [Full section text unamended]
  - 1. [Unamended]
  - 2. [Unamended]
  - 3. [Unamended]
  - 4. [Unamended]
  - 5. ~~Excessive damages, appearing to have been given under the influence of passion or prejudice.~~ [(6)]  
Insufficiency of the evidence to justify the verdict or other decision, or that it is against law.
  - 6. [(7)] Error in law occurring at the trial and objected to or excepted to by the party making the application.
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]

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### H.B. 3131

Or. Laws 1979 c.284 § 39

#### House Introduction

5/11/79

#### A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

#### Governor signed Enrolled Bill

6/26/79

**Or. Laws 2003 c.194 § 12**  
Amends Rule 64(D)–(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Specification of rounds of motion; when motion must be on affidavits or declarations.** In all cases of motion for a new trial, the grounds thereof shall be plainly specified, and no cause of new trial not so stated shall be considered or regarded by the court. When the motion is made for a cause mentioned in subsections (1) through (4) of section B of this rule, it shall be upon affidavit **or declaration**, setting forth the facts upon which the motion is based. If the cause is newly discovered evidence, the affidavits **or declarations** of any witness or witnesses showing what their testimony will be, shall be produced, or good reasons shown for their nonproduction.
- E. **When counteraffidavits or counterdeclarations are allowed, former proceedings considered.** If the motion is supported by affidavits **or declarations**, counteraffidavits **or counterdeclarations** may be offered by the adverse party. In the consideration of any motion for a new trial, reference may be had to any proceedings in the case prior to the verdict or other decision sought to be set aside.
- F. **Time of motion; counteraffidavits or counterdeclarations hearing and determination.** A motion to set aside a judgment and for a new trial, with the affidavits **or declarations**, if any, in support thereof, shall be filed not later than 10 days after the entry of the judgment sought to be set aside, or such further time as the court may allow. When the adverse party is entitled to oppose the motion by counteraffidavits **or counterdeclarations**, such party shall file the same within 10 days after the filing of the motion, or such further time as the court may allow. The motion shall be heard and determined by the court within 55 days from the time of the entry of the judgment, and not thereafter, and if not so heard and determined within said time, the motion shall conclusively be deemed denied.
- G. [Unamended]

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**H.B. 2064 [Passed Unamended]**  
Or. Laws 2003 c.194 § 12