

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

ORCP 79

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 79 – Temporary Restraining Order and Preliminary Injunctions

§	Latest Amendment
A	Or. Laws 2005 c.22 § 5(A)
B	Or. Laws 2003 c.194 § 16
C	Unamended
D	Unamended
E	Or. Laws 2013 c.687 § 18
F	Unamended

Or. Laws 1995 c.666 § 27

Amends Rule 79(B)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to 107.730 **or sections 2 to 9 of this 1995 Act.**
 2. [Unamended]
 3. [Unamended]
- F. [Unamended]

S.B. 493

Or. Laws 1995 c.666 § 27

Senate Introduction

2/21/95

A-Engrossed Bill

4/7/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

6/7/95 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

6/8/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 16
Amends Rule 79(B)

- A. [Unamended]
- B. **Temporary restraining order.**
 - 1. **Notice.** [Full section text unamended]
 - a. It clearly appears from specific facts shown by **an** affidavit, **a declaration** or **by** a verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or the adverse party's attorney can be heard in opposition, and
 - b. The applicant or applicant's attorney submits an affidavit **or a declaration** setting forth the efforts, if any, which have been made to notify defendant or defendant's attorney of the application, including attempts to provide notice by telephone, and the reasons supporting the claim that notice should not be required. The affidavit **or declaration** required in this paragraph shall not be required for orders granted by authority of ORS 107.095 (1)(c), (d), (e), (f) or (g).
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 16

Or. Laws 2005 c.22 § 5(A)
Amends Rule 79(A)

- A. **Availability generally.**
 - 1. **Circumstances.** [Full section text unamended]
 - a. [Unamended]
 - b. When it appears that the party against whom a judgment is sought is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of a party seeking judgment concerning the subject matter of the action, and tending to render the judgment ineffectual. This paragraph shall not apply when the provisions of Rule ~~83 F, G(4), and 1(2)~~ **83 E, F(4) and H(2)** are applicable, whether or not provisional relief is ordered under those provisions.
 - 2. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2261

Or. Laws 2005 c.22 § 5(A)

House Introduction

1/12/05

A-Engrossed Bill

2/16/05 – Passed unamended in House

3/22/05 – Passed with amendments in Senate (per Judiciary Committee recommendation)

Governor signed Enrolled Bill

4/7/05

Or. Laws 2007 c.71 § 5
Amends Rule 79(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 - 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to ~~107.732~~ **107.735** or 124.005 to 124.040.
 - 2. [Unamended]
 - 3. [Unamended]
- F. [Unamended]

S.B. 84

Or. Laws 2007 c.71 § 5

Staff Analysis and Reports

Makes nonsubstantive and technical changes in Oregon law: Corrects grammar and punctuation, deletes obsolete provisions, and conforms language to existing statutes and legislative style.

Senate Introduction

1/12/07

A-Engrossed Bill

3/5/07 – Passed unamended in Senate

4/3/07 – Passed with amendments in House (per Judiciary Committee recommendation)

B-Engrossed Bill

4/5/07 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

5/2/07

Or. Laws 2013 c.687 § 18
Amends Rule 79(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. **Scope of rule.**
 - 1. This rule does not apply to a temporary restraining order issued by authority of ORS 107.700 to 107.735 or 124.005 to 124.040 **or sections 1 to 8 of this 2013 Act.**
 - 2. [Unamended]
 - 3. [Unamended]
- F. [Unamended]

H.B. 2779

Or. Laws 2013 c.687 § 18

House Introduction

2/6/13

A-Engrossed Bill

3/25/13 – House Judiciary Committee recommended passing with amendments; Referred to Ways and Means Committee

5/8/13 – Assigned to Public Safety Subcommittee

6/25/13 – Returned to Ways and Means Committee

7/1/13 – Ways and Means Committee recommended passing with amendments and printing engrossed (B-Eng.)

B-Engrossed Bill

7/1/13 – Passed with amendments in House (per Judiciary Committee and Ways and Means Committee recommendation)

7/5/13 – Senate Ways and Means Committee recommended passing with amendments to resolve conflicts and printing engrossed (“C-Eng.”)

7/6/13 – Passed with amendments in Senate (per Ways and Means Committee recommendation)

C-Engrossed Bill

7/7/13 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

7/29/13