

Oregon Rules of Civil Procedure Legislative Amendments 1979-2023

ORCP 9

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 9 – Service and Filing of Pleadings and Other Papers

§	Latest Amendment
A	Or. Laws 2003 c.194 § 6
B	Or. Laws 2003 c.194 § 6
C	Or. Laws 2003 c.194 § 6
D	Or. Laws 2003 c.194 § 6
E	Or. Laws 2007 c.129 § 24–26
F	Or. Laws 2015 c.212 § 7

Or. Laws 1979 c.284 § 10

Amends Rule 9(B) & (D)

- A. [Unamended]
- B. **Service; how made.** Whenever under these rules service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party or by mailing it to such attorney's or party's last known address **or, if no address is known, by leaving it with the clerk of the court.** Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. Service by mail is complete upon mailing.
- C. [Unamended]
- D. **Filing with the court defined.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court or the person exercising the duties of that office. The clerk or the person exercising the duties of that office shall endorse upon such pleading or paper the time of day, the day of the month, month, and the year. The clerk or person exercising the duties of that office is not required to receive for filing any paper unless the name of the court, the title of the cause and the paper, and the names of the parties, and the attorney **for the party requesting filing**, if there be one, are legibly endorsed on the front of the document, nor unless the contents thereof **can be read by a person of ordinary skill are legible.**

H.B. 3131

Or. Laws 1979 c.284 § 10

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 1989 c.295 § 1

Amends 9(B), (C) & (F)

- A. [Unamended]
- B. **Service; how made.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party, ~~or~~ by mailing it to such attorney's or party's last known address. **or, if the party is represented by an attorney, by telephonic facsimile communication device as provided in section F. of this rule.** Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. A party who has appeared without providing an appropriate address for service may be served by placing a copy of the pleading or other papers in the court file. Service by mail is complete upon mailing. Service of any notice or other paper to bring a party into contempt may only be upon such party personally.
- C. **Filing; proof of service.** Except as provided by section D. of this rule, all-papers required to be served upon a party by section A. of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rules 7 and 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. **Where service is made by telephonic facsimile communication device, proof of service shall be made by affidavit of the person making service, or by certificate of an attorney. Attached to such affidavit or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine.**
- D. [Unamended]
- E. [Unamended]
- F. **Service by telephonic facsimile communication device.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service may be made upon the attorney by means of a telephonic facsimile communication device if the attorney maintains such a device at the attorney's office and the device is operating at the time service is made.

H.B. 2363

Or. Laws 1989 c.295 § 1

House Introduction

1/16/89

A-Engrossed Bill

3/23/89 – Passed with amendments in House (per Judiciary Committee recommendation)

5/22/89 – Passed unamended in Senate

Governor signed Enrolled Bill

6/7/89

Or. Laws 2003 c.194 § 6
Amends Rule 9(C)

- A. [Unamended]
- B. [Unamended]
- C. **Filing; proof of service.** Except as provided by section D of this rule, all papers required to be served upon a party by section A of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rules 7 and 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit **or declaration** of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. Where service is made by telephonic facsimile communication device, proof of service shall be made by affidavit or declaration of the person making service, or by certificate of an attorney. Attached to such affidavit, **declaration** or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2064 [Passed Unamended]
Or. Laws 2003 c.194 § 6

Or. Laws 2007 c.129 § 24–26
Amends Rule 9(A), (B) & (E)

- A. **Service; when required.** Except as otherwise provided in these rules, every order; every pleading subsequent to the original complaint; every written motion other than one which may be heard ex parte; and every written request, notice, appearance, demand, offer of judgment, designation of record on appeal, and similar **paper document** shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 7.
- B. **Service; how made.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to such attorney or party, by mailing it to such attorney's or party's last known address or, if the party is represented by an attorney, by telephonic facsimile communication device or e-mail as provided in sections F or G of this rule. Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at such person's office with such person's clerk or person apparently in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at such person's dwelling house or usual place of abode with some person over 14 years of age then residing therein. A party who has appeared without providing an appropriate address for service may be served by **placing filing** a copy of the pleading or other **papers in the court file documents with the court**. Service by mail is complete upon mailing. Service of any notice or other **paper document** to bring a party into contempt may only be upon such party personally.
- C. [Unamended]
- D. [Unamended]
- E. **Filing with the court defined.** The filing of pleadings and other **papers documents** with the court as required by these rules shall be made by filing them with the clerk of the court or the person exercising the duties of that office. The clerk or the person exercising the duties of that office shall endorse upon such pleading or **paper document** the time of day, the day of the month, the month, and the year. The clerk or person exercising the duties of that office is not required to receive for filing any **paper document** unless the name of the court, the title of the cause and the **paper document**, the names of the parties, and the attorney for the party requesting filing, if there be one, are legibly endorsed on the front of the document, nor unless the contents thereof are legible.
- F. [Unamended]

S.B. 84

Or. Laws 2007 c.129 § 24–26

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 2007 c.255 § 15
Amends Rule 9(C)

- A. [Unamended]
- B. [Unamended]
- C. **Filing; proof of service.** Except as provided by section D of this rule, all papers required to be served upon a party by section A of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit or declaration of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. Where service is made by telephonic facsimile communication device or e-mail, proof of service shall be made by affidavit or declaration of the person making service, or by certificate of an attorney **or sheriff**. Attached to such affidavit, declaration, or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine, if facsimile communication is used. If service is made by e-mail under section G of this rule, the person making service must certify that he or she received confirmation that the message was received, either by return e-mail, automatically generated message, telephonic facsimile, or orally.
- D. [Unamended]
- E. [Unamended]
- F. [Unamended]

H.B. 2869

Or. Laws 2007 c.255 § 15

House Introduction

3/1/07

A-Engrossed Bill

4/18/07 – Passed with amendments in House (per Judiciary Committee recommendation)

5/15/07 – Passed unamended in Senate

Governor signed Enrolled Bill

6/1/07

Or. Laws 2015 c.212 § 7
Amends Rule 9(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. [Unamended]
- E. [Unamended]

F. **Service by facsimile communication.** Whenever under these rules service is required or permitted to be made upon a party, and that party is represented by an attorney, the service may be made upon the attorney by means of facsimile communication if the attorney has such technology available and said technology is operating at the time service is made. Service in this manner shall be subject to Rule 10 ~~E~~ B. Facsimile communication includes: a telephonic facsimile communication device; a facsimile server or other computerized system capable of receiving and storing incoming facsimile communications electronically and then routing them to users on paper or via e-mail; or an internet facsimile service that allows users to send and receive facsimiles from their personal computers using an existing e-mail account.

H.B. 2911 [Passed Unamended]
Or. Laws 2015 c.212 § 7