

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	2/6

WHAT THE MEASURE DOES: Extends the statute of limitations for an action brought by a parent for recovery of a child's medical expenses, if the statute of limitations for the child's action is also extended and the actions arise out of the same wrongful conduct.

ISSUES DISCUSSED:

- Different causes of action that arise when child is injured
- Nature of parent's claim when child is injured
- Need to update language of ORS 12.160

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 12.160 tolls (i.e., pauses), the running of the statute of limitations in most civil actions that may be brought by children, although the statute of limitations cannot be extended for more than 5 years or one year beyond the child's 18th birthday, whichever is earlier. The statute does not extend a parent's or guardian's action for recovery of the child's medical expenses, however, even though it is more efficient, and sometimes required, that parents and children bring their claims at the same time if they arise out of the same events. The practical effect of this omission is that attorneys sometimes bring cases on behalf of children while they are still minors, rather than bringing two separate lawsuits or risk missing the statute of limitations for the parent's claim. HB 2366 provides that if a parent has a claim for the recovery of medical expenses incurred on behalf of a child, then the parent's claim is tolled for the same period as any claim that the child might have that arises out of the same events that led to the medical expenses.