

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/10

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 limitations period for the child's lawsuit is also extended and the child's and parent's actions arise out of the same conduct.

ISSUES DISCUSSED:

- Types of actions when child is injured
- Nature of parent's claim when child is injured
- Impact of ORS 12.160 on court's ability to hear all disputes arising out of single event
- Judicial efficiency

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 five years or one year beyond the child's eighteenth 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 can be more efficient, and is sometimes required, that parents and children bring their claims at the same time if they arise out of the same events. The effect of treating the child's and parent's claims differently is that attorneys sometimes bring actions on behalf of children while they are minors, rather than bringing two separate lawsuits at different times. 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.