

House Bill 2366

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Procedure and Practice Committee)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that cause of action for recovery of damages for medical expenses incurred by parent, guardian or conservator of child is tolled for same period of time as child's cause of action if medical expenses resulted from same wrongful conduct that is basis of child's cause of action.

A BILL FOR AN ACT

1
2 Relating to statutes of limitation; creating new provisions; and amending ORS 12.160.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 12.160 is amended to read:

5 12.160. [*If, at the time the cause of action accrues, any person entitled to bring an action mentioned*
6 *in ORS 12.010 to 12.050, 12.070 to 12.250 and 12.276 is within the age of 18 years or insane, the time*
7 *of such disability shall not be a part of the time limited for the commencement of the action; but the*
8 *period within which the action shall be brought shall not be extended more than five years by any such*
9 *disability, nor shall it be extended in any case longer than one year after such disability ceases.*]

10 (1) **Subject to subsection (2) of this section, if a person is entitled to bring an action that**
11 **is subject to the statutes of limitation prescribed by ORS 12.010 to 12.050, 12.070 to 12.250 or**
12 **12.276, and at the time the cause of action accrues the person is a child who is younger than**
13 **18 years of age, the statute of limitation for commencing the action is tolled for so long as**
14 **the person is younger than 18 years of age.**

15 (2) **The time for commencing an action may not be extended under subsection (1) of this**
16 **section for more than five years, or for more than one year after the person attains 18 years**
17 **of age, whichever occurs first.**

18 (3) **Subject to subsection (4) of this section, if a person is entitled to bring an action that**
19 **is subject to the statutes of limitation prescribed by ORS 12.010 to 12.050, 12.070 to 12.250 or**
20 **12.276, and at the time the cause of action accrues the person is insane, the statute of limi-**
21 **tation for commencing the action is tolled for so long as the person is insane.**

22 (4) **The time for commencing an action may not be extended under subsection (3) of this**
23 **section for more than five years, or for more than one year after the person is no longer**
24 **insane, whichever occurs first.**

25 (5) **If a child's cause of action is tolled under subsection (1) of this section, a cause of**
26 **action for recovery of damages for medical expenses incurred by a parent, guardian or**
27 **conservator of the child is tolled for the same period of time as the child's cause of action**
28 **if the medical expenses resulted from the same wrongful conduct that is the basis of the**
29 **child's cause of action.**

30 **SECTION 2.** The amendments to ORS 12.160 by section 1 of this 2007 Act apply only to

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **causes of action arising on or after the effective date of this 2007 Act.**

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