

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2909

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 19

1 On page 2 of the printed A-engrossed bill, delete lines 1 through 9 and insert:

2 “(3) For the purposes of this section, the useful safe life of a new or remanufactured product is
3 the period of time beginning on the date that the product is delivered to the product’s first pur-
4 chaser or lessee who is not engaged in the business of selling that product or using the product as
5 a component part in another product, and ending on the date on which the product would not rea-
6 sonably be expected to perform in a safe manner or could not reasonably be stored in a safe manner.

7 “(4) A manufacturer, distributor, seller or lessor is subject to liability for injury, death or dam-
8 age caused by a product after the expiration of the product’s useful safe life if:

9 “(a) The manufacturer, distributor, seller or lessor warrants that the product can be safely used
10 for a longer period than the useful safe life of the product and the injury, death or damage occurs
11 during the warranty period;

12 “(b) The manufacturer, distributor, seller or lessor intentionally misrepresents facts about the
13 product, or intentionally conceals information about the product, and the misrepresentation or
14 concealment is a proximate cause of the injury, death or damage; or

15 “(c) The injury, death or damage is caused by exposure to a defective product, the exposure first
16 occurs during the useful safe life of the product and the injury, death or damage caused by the ex-
17 posure would not have been discovered by a reasonably prudent person until after the useful safe
18 life of the product had expired.”.

19 In line 10, delete “(4)” and insert “(5)”.

20 On page 4, after line 36, insert:

21 **“SECTION 9. (1) As used in this section, ‘R-type metal halide or mercury vapor**
22 **lightbulb’ means a metal halide or mercury vapor lightbulb that does not have an internal**
23 **mechanism that shuts off the light automatically within 15 minutes after the bulb is broken.**

24 **“(2) A product liability civil action for damages caused by R-type metal halide or mercury**
25 **vapor lightbulbs may not be commenced more than two years after the date on which the**
26 **plaintiff first discovered, or in the exercise of reasonable care should have discovered, the**
27 **injury and the causal relationship between the injury and the conduct of the defendant.**

28 **“(3) A product liability civil action for damages caused by R-type metal halide or mercury**
29 **vapor lightbulbs is not subject to ORS 30.905 or any other statute of repose in the Oregon**
30 **Revised Statutes.**

31 **“(4) Except as provided in subsection (5) of this section, this section applies only to**
32 **causes of action arising before the effective date of this 2007 Act.**

33 **“(5) This section does not apply to a cause of action for which a judgment was entered**
34 **before the effective date of this 2007 Act.”.**

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