

# House Bill 3083

Sponsored by COMMITTEE ON CONSUMER PROTECTION

## 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**.

Allows person who owes money to minor pursuant to terms of judgment or by reason of settlement of civil action to transfer up to \$\_\_\_\_\_ to adult member of minor's family, or to trust company, to hold money as custodian under Oregon Uniform Transfers to Minors Act.

Provides that cause of action for recovery of damages for medical expenses incurred by parent, guardian or conservator of minor is tolled for same period of time as minor'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 minors; creating new provisions; and amending ORS 12.160 and 126.826.

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

4 **SECTION 1.** ORS 126.826 is amended to read:

5 126.826. (1) Subject to subsections (2) [*and (3)*] **to (4)** of this section, a person not subject to ORS  
6 126.819 or 126.822 who holds property of or owes a liquidated debt to a minor not having a  
7 conservator may make an irrevocable transfer to a custodian for the benefit of the minor pursuant  
8 to ORS 126.832.

9 (2) If a person having the right to do so under ORS 126.812 has nominated a custodian under  
10 that section to receive the custodial property, the transfer must be made to that person.

11 (3) If [*no*] a custodian has **not** been nominated under ORS 126.812 or all persons [*so*] nominated  
12 as custodian die before the transfer or are unable, decline or are ineligible to serve, a transfer under  
13 this section may be made to an adult member of the minor's family or to a trust company unless the  
14 property exceeds \$5,000 in value.

15 (4) **Notwithstanding subsection (3) of this section, if a person owes money to a minor**  
16 **pursuant to the terms of a judgment or settlement of a civil action, a transfer under this**  
17 **section may be made to an adult member of the minor's family or to a trust company as long**  
18 **as the amount owed does not exceed \$\_\_\_\_\_.**

19 **SECTION 2.** ORS 12.160 is amended to read:

20 12.160. (1) If, at the time the cause of action accrues, any person entitled to bring an action  
21 [*mentioned in*] **subject to** ORS 12.010 to 12.050, 12.070 to 12.250 and 12.276 is [*within the age of*]  
22 **younger than** 18 years **of age** or insane, the time of such disability shall not be a part of the time  
23 limited for the commencement of the action[; *but*].

24 (2) **Notwithstanding subsection (1) of this section,** the period within which the action shall  
25 be brought shall not be extended more than five years by any such disability, nor shall it be ex-  
26 tended in any case longer than one year after such disability ceases.

27 (3) **If a child's cause of action is tolled under subsection (1) of this section, a cause of**  
28 **action for recovery of damages for medical expenses incurred by a parent, guardian or**  
29 **conservator of the child is tolled for the same period of time as the child's cause of action**

**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 if the medical expenses resulted from the same wrongful conduct that is the basis of the  
2 child's cause of action.

3 **SECTION 3.** The amendments to ORS 12.160 by section 2 of this 2007 Act apply only to  
4 causes of action arising on or after the effective date of this 2007 Act.

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