

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 5 - 0 - 0
Yeas: Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays: 0
Exc.: 0
Prepared By: Anna Braun, Counsel
Meeting Dates: 2/11

WHAT THE MEASURE DOES: Allows beneficiaries to a wrongful death action to agree to distribution of damages rather than requiring distribution through intestate succession. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Applicability to the Williams case
- Requirement that all beneficiaries must agree

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 30.030 governs the distribution of damages in a wrongful death case. In most situations, the beneficiaries are able to agree to a distribution of damages. However, punitive damage awards must be allocated by the laws of intestate succession, meaning that the payment will go to the surviving spouse. In some situations, for example considering tax implications, a family may be better off distributing the damages in a different way. SB 403 allows the damages to be distributed by agreement by all the beneficiaries.