

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:	3/9, 3/18

WHAT THE MEASURE DOES: Provides rules for deciding which states' laws apply in tort cases. Lists issues that are automatically governed by Oregon law. Provides guidelines for determining which law should apply when Oregon law does not automatically apply.

ISSUES DISCUSSED:

- Effective use of Oregon Law Commission expertise
- Providing certainty will save litigation costs

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Determining which states' law applies in a given case is complicated. SB 561 provides rules for determining which states' law will govern most tort and other non-contractual claims arising from situations having contacts with one or more state. Until the 1960s, most tort lawsuits were required to be filed in the state where the injury occurred. After that time there was a "conflict of laws" revolution where determining which states' laws applied depended on many factors. This was described as "bewildering" for practitioners. SB 561 provides explicit rules for which states' laws should apply and also allows an escape clause in certain situations. SB 561 is a product of a work group of the Oregon Law Commission. The first phase of this project governed choice of law rules for contracts and was enacted into law in 2002.