

A-Engrossed
House Bill 2802

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by COMMITTEE ON JUDICIARY

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.

[Repeals] **Increases** \$500,000 limit on noneconomic damages recoverable in wrongful death actions and other statutorily created causes of action to **\$1,500,000**.

Directs State Court Administrator to annually adjust amount of noneconomic damages that may be awarded, beginning in 2010. Specifies method by which administrator must make adjustment.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to noneconomic damages; creating new provisions; amending ORS 31.710; and prescribing
3 an effective date.

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

5 **SECTION 1.** ORS 31.710 is amended to read:

6 31.710. (1) Except for claims subject to ORS 30.260 to 30.300 and ORS chapter 656, in any civil
7 action seeking damages arising out of bodily injury, including emotional injury or distress, death or
8 property damage of any one person including claims for loss of care, comfort, companionship and
9 society and loss of consortium, the amount awarded for noneconomic damages shall not exceed
10 *[\$500,000]* **\$1,500,000**.

11 **(2) Beginning in 2010, and every year thereafter, the State Court Administrator shall**
12 **determine the percentage increase or decrease in the cost of living for the previous calendar**
13 **year, based on changes in the Portland-Salem, OR-WA Consumer Price Index for All Urban**
14 **Consumers for All Items as published by the Bureau of Labor Statistics of the United States**
15 **Department of Labor. On or before July 1 of the year in which the State Court Administrator**
16 **makes the determination required by this subsection, the State Court Administrator shall**
17 **adjust the limitation imposed under subsection (1) of this section for the following calendar**
18 **year by multiplying the limitation amount applicable to the calendar year in which the ad-**
19 **justment is made by the percentage amount determined under this subsection. The State**
20 **Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the**
21 **unrounded amount shall be used to calculate the adjustments to the limitations in subse-**
22 **quent calendar years. The adjusted limitation becomes effective on July 1 of the year in**
23 **which the adjustment is made, and applies to all causes of action arising on or after July 1**
24 **of that year and before July 1 of the subsequent year.**

25 *[(2)]* **(3) As used in this section:**

26 (a) "Economic damages" means objectively verifiable monetary losses including but not limited

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 to reasonable charges necessarily incurred for medical, hospital, nursing and rehabilitative services
2 and other health care services, burial and memorial expenses, loss of income and past and future
3 impairment of earning capacity, reasonable and necessary expenses incurred for substitute domestic
4 services, recurring loss to an estate, damage to reputation that is economically verifiable, reason-
5 able and necessarily incurred costs due to loss of use of property and reasonable costs incurred for
6 repair or for replacement of damaged property, whichever is less.

7 (b) "Noneconomic damages" means subjective, nonmonetary losses, including but not limited to
8 pain, mental suffering, emotional distress, humiliation, injury to reputation, loss of care, comfort,
9 companionship and society, loss of consortium, inconvenience and interference with normal and
10 usual activities apart from gainful employment.

11 [~~3~~] (4) This section does not apply to punitive damages.

12 [~~4~~] (5) The jury shall not be advised of the limitation set forth in this section.

13 **SECTION 2. The amendments to ORS 31.710 by section 1 of this 2009 Act apply to all**
14 **actions commenced on or after the effective date of this 2009 Act, without regard to whether**
15 **the cause of action arose before, on or after the effective date of this 2009 Act.**

16 **SECTION 3. This 2009 Act takes effect on the 91st day after the date on which the reg-**
17 **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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