

House Bill 3344

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 **as introduced**.

Provides that provisions on tolling of statutes of limitation by reason of minority or insanity apply to actions mentioned in specified statutes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to statutes of limitation; creating new provisions; amending ORS 12.160; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 12.160 is amended to read:

6 12.160. (1) Subject to subsection (2) of this section, if a person is entitled to bring an action [*that*
7 *is subject to the statutes of limitation prescribed by*] **mentioned in** ORS 12.010 to 12.050, 12.070 to
8 12.250 or 12.276, and at the time the cause of action accrues the person is a child who is younger
9 than 18 years of age, the statute of limitation for commencing the action is tolled for so long as the
10 person is younger than 18 years of age.

11 (2) The time for commencing an action may not be extended under subsection (1) of this section
12 for more than five years, or for more than one year after the person attains 18 years of age,
13 whichever occurs first.

14 (3) Subject to subsection (4) of this section, if a person is entitled to bring an action [*that is*
15 *subject to the statutes of limitation prescribed by*] **mentioned in** ORS 12.010 to 12.050, 12.070 to 12.250
16 or 12.276, and at the time the cause of action accrues the person is insane, the statute of limitation
17 for commencing the action is tolled for so long as the person is insane.

18 (4) The time for commencing an action may not be extended under subsection (3) of this section
19 for more than five years, or for more than one year after the person is no longer insane, whichever
20 occurs first.

21 (5) If a child's cause of action is tolled under subsection (1) of this section, a cause of action for
22 recovery of damages for medical expenses incurred by a parent, guardian or conservator of the child
23 is tolled for the same period of time as the child's cause of action if the medical expenses resulted
24 from the same wrongful conduct that is the basis of the child's cause of action.

25 **SECTION 2.** **The amendments to ORS 12.160 by section 1 of this 2009 Act apply to all**
26 **causes of action, whether arising before, on or after the effective date of this 2009 Act, and**
27 **operate to revive any cause of action barred by ORS 12.160 as in effect immediately before**
28 **the effective date of this 2009 Act.**

29 **SECTION 3.** **This 2009 Act being necessary for the immediate preservation of the public**
30 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
31 **on its passage.**

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.

