

Senate Bill 281

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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**.

Requires that parties and attorneys in certain tort actions must participate in some form of dispute resolution within one year after action is filed instead of within 270 days after action is filed.

A BILL FOR AN ACT

1
2 Relating to torts; creating new provisions; and amending ORS 31.250.

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

4 **SECTION 1.** ORS 31.250 is amended to read:

5 31.250. (1) In any action described in subsection (5) of this section, all parties to the action and
6 their attorneys must participate in some form of dispute resolution within [270 days] **one year** after
7 the action is filed unless:

8 (a) The action is settled or otherwise resolved within [270 days] **one year** after the action is
9 filed; or

10 (b) All parties to the action agree in writing to waive dispute resolution under this section.

11 (2) Dispute resolution under this section may consist of arbitration, mediation or a judicial
12 settlement conference.

13 (3) Within [270 days] **one year** after filing an action described in subsection (5) of this section,
14 the parties or their attorneys must file a certificate indicating that the parties and attorneys have
15 complied with the requirements of this section.

16 (4) The court may impose appropriate sanctions against any party or attorney who:

17 (a) Fails to attend an arbitration hearing, mediation session or judicial settlement conference
18 conducted for the purposes of the requirements of this section;

19 (b) Fails to act in good faith in any arbitration, mediation or judicial settlement conference
20 conducted for the purposes of the requirements of this section;

21 (c) Fails to timely submit any documents required for an arbitration, mediation or judicial
22 settlement conference conducted for the purposes of the requirements of this section; or

23 (d) Fails to have a person with authority to approve a resolution of the action available at the
24 time of any arbitration hearing, mediation session or judicial settlement conference conducted for
25 the purposes of the requirements of this section, unless the party or attorney receives from the
26 court, before the hearing, session or conference commences, an exemption from the requirements of
27 this paragraph.

28 (5) The provisions of this section apply to any action in which a claim for damages is made
29 against a health practitioner, as described in ORS 31.740, or against a health care facility, as defined
30 in ORS 442.015, based on negligence, unauthorized rendering of health care or product liability un-

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 der ORS 30.900 to 30.920.

2 **SECTION 2. The amendments to ORS 31.250 by section 1 of this 2009 Act apply only to**
3 **actions filed on or after the effective date of this 2009 Act.**

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