

Senate Bill 302

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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**.

Provides that if state agency contracts with another public body for performance of functions that would otherwise be performed by state agency, other public body is agent of state agency for purposes of Oregon Tort Claims Act. Provides that contract may provide that other public body waives right to indemnification under Oregon Tort Claims Act if contract also requires that other public body have insurance coverage equal to limitations imposed on recoveries for state agency under Oregon Tort Claims Act.

A BILL FOR AN ACT

1
2 Relating to Oregon Tort Claims Act.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS 30.260 to 30.300.**

5 **SECTION 2. (1) If a state agency contracts with another public body for the performance**
6 **of functions that would otherwise be performed by the state agency, the other public body**
7 **is an agent of the state agency for the purposes of ORS 30.260 to 30.300, and any tort com-**
8 **mitted by officers, employees or agents of the other public body in performing those func-**
9 **tions is subject to the limitations applicable to claims against the state under ORS 30.260 to**
10 **30.300.**

11 **(2) A contract described in subsection (1) of this section may provide that the other**
12 **public body waives any right to indemnification under ORS 30.260 to 30.300 if the contract**
13 **also requires that the other public body have insurance coverage equal to the limitations**
14 **imposed on recoveries for the state agency under ORS 30.260 to 30.300. If the contract con-**
15 **tains a provision as described in this subsection, the liability of the state agency for a claim**
16 **arising out of a tort of the other public body is reduced to the extent that the claim is pay-**
17 **able from insurance available to the other public body.**

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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.