

## SENATE AMENDMENTS TO SENATE BILL 311

By COMMITTEE ON JUDICIARY

February 13

1 On page 1 of the printed bill, line 3, delete “31.710,”.

2 In line 10, after “are” insert “not”.

3 After line 11, insert:

4 “(3) A court may not apply the limitations imposed on recovery under sections 3, 4 and 5 of this  
5 2009 Act until after the entry of a verdict or a stipulation by the parties to the amount of the  
6 damages.”.

7 In line 12, delete “(3)” and insert “(4)”.

8 In line 16, delete “(4)” and insert “(5)”.

9 In line 23, delete “(5)” and insert “(6)”.

10 In line 27, delete “(6)” and insert “(7)”.

11 On page 3, after line 10, insert:

12 “**SECTION 3a. Section 3 of this 2009 Act applies only to causes of action arising on or**  
13 **after December 28, 2007. Any cause of action that arose before December 28, 2007, shall**  
14 **continue to be governed by ORS 30.270, as that statute was in effect immediately before the**  
15 **effective date of this 2009 Act.”.**

16 On page 4, after line 9, insert:

17 “**SECTION 4a. Section 4 of this 2009 Act applies only to causes of action arising on or**  
18 **after July 1, 2009. Any cause of action that arose before July 1, 2009, shall continue to be**  
19 **governed by ORS 30.270, as that statute was in effect immediately before the effective date**  
20 **of this 2009 Act.”.**

21 Delete lines 40 through 45 and insert:

22 “**SECTION 5a. Section 5 of this 2009 Act applies only to causes of action arising on or**  
23 **after July 1, 2009. Any cause of action that arose before July 1, 2009, shall continue to be**  
24 **governed by ORS 30.270, as that statute was in effect immediately before the effective date**  
25 **of this 2009 Act.**

26 “**SECTION 6. Direct appeal of constitutionality of limitations. (1) At the request of any**  
27 **party to an action under ORS 30.260 to 30.300, the court shall enter a limited judgment that**  
28 **is limited to the issue of the application of the limitations imposed by section 3, 4 or 5 of this**  
29 **2009 Act. A limited judgment may be entered under this section only after:**

30 “(a) The parties have stipulated to the total damages in the action; or

31 “(b) The finder of fact has decided the total damages in the action.

32 “(2) If a limited judgment is entered under this section, the court may not enter a gen-  
33 eral judgment until an appellate judgment on any appeal of the limited judgment has been  
34 entered.

35 “(3) A limited judgment entered under this section may be appealed only by filing a notice

1 of appeal directly with the Supreme Court within the time and in the manner specified in  
2 ORS chapter 19 for civil appeals to the Court of Appeals. Any party filing a notice of appeal  
3 under this subsection must note in the notice of appeal that the case is subject to this sub-  
4 section.

5 “(4) An appeal filed under this section may not raise any issue relating to the case other  
6 than the application of a limitation imposed under section 3, 4 or 5 of this 2009 Act.

7 “(5) If a limited judgment is not requested under this section, a party may seek judicial  
8 review of the imposition of any of the limitations under section 3, 4 or 5 of this 2009 Act in  
9 an appeal from the general judgment in the action.”.

10 On page 5, delete lines 1 through 9.

11 On page 6, delete lines 8 through 26 and insert:

12 “(4) ‘Public body’ means:

13 “(a) A public body as defined in ORS 174.109;

14 “(b) Any nonprofit corporation that is organized and existing under ORS chapter 65 and that  
15 has only political subdivisions or municipal, quasi-municipal or public corporations in this state as  
16 members;

17 “(c) A private child-caring agency, as defined in ORS 418.205, that meets the criteria specified  
18 in ORS 278.322 (1)(a) and that receives more than 50 percent of its funding from the state for the  
19 purpose of providing residential treatment to children who have been placed in the care and custody  
20 of the state or that provides residential treatment to children more than half of whom have been  
21 placed in the care and custody of the state; or

22 “(d) A private, nonprofit organization that provides public transportation services if more than  
23 50 percent of the organization’s funding for the purpose of providing public transportation services  
24 is received from governmental bodies.”.

25 Delete lines 36 through 45 and insert:

26 “**NOTE:** Section 10 was deleted by amendment. Subsequent sections were not renumbered.”.

27 On page 7, delete lines 1 through 10.

28 On page 34, line 32, delete “(4)(c)” and insert “(4)(d)”.

29 On page 35, line 42, delete “(4)(c)” and insert “(4)(d)”.