

Enrolled
Senate Bill 403

Sponsored by Senator BONAMICI

CHAPTER

AN ACT

Relating to wrongful death actions; amending ORS 30.030; and declaring an emergency.

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

SECTION 1. ORS 30.030 is amended to read:

30.030. (1) Upon settlement of a claim, or recovery of judgment in an action, for damages for wrongful death, by the personal representative of a decedent under ORS 30.020, the amount of damages so accepted or recovered shall be distributed in the manner prescribed in this section.

(2) The personal representative shall make payment or reimbursement for costs, expenses and fees incurred in prosecution or enforcement of the claim, action or judgment.

(3) The personal representative shall make payment or reimbursement for reasonable charges necessarily incurred for doctors' services, hospital services, nursing services or other medical services, burial services and memorial services rendered for the decedent.

(4) If under ORS 30.040 or 30.050 or by agreement of the beneficiaries a portion of the damages so accepted or recovered is apportioned to a beneficiary as recovery for loss described in ORS 30.020 (2)(d), the personal representative shall distribute that portion to the beneficiary.

(5) The remainder of damages accepted or recovered shall be distributed to the beneficiaries in the proportions prescribed under the laws of intestate succession of the state of decedent's domicile, **or as agreed by the beneficiaries**, but no such damages shall be subject to payment of taxes or claims against the decedent's estate.

SECTION 2. **This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.**

Passed by Senate February 24, 2009

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Secretary of Senate

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President of Senate

Passed by House March 17, 2009

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Speaker of House

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State