

# Senate Bill 403

Sponsored by Senator BONAMICI

## 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**.

Allows beneficiaries in wrongful death action to agree to distribution of all damages recovered in action in manner other than as provided under laws of intestate succession.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to wrongful death actions; amending ORS 30.030; and declaring an emergency.

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

4 **SECTION 1.** ORS 30.030 is amended to read:

5 30.030. (1) Upon settlement of a claim, or recovery of judgment in an action, for damages for  
6 wrongful death, by the personal representative of a decedent under ORS 30.020, the amount of  
7 damages so accepted or recovered shall be distributed in the manner prescribed in this section.

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

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

13 (4) If under ORS 30.040 or 30.050 or by agreement of the beneficiaries a portion of the damages  
14 so accepted or recovered is apportioned to a beneficiary as recovery for loss described in ORS  
15 30.020 (2)(d), the personal representative shall distribute that portion to the beneficiary.

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

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

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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.