

Senate Joint Resolution 9

Sponsored by Senator GEORGE; Senators ATKINSON, FERRIOLI, GIROD, KRUSE, NELSON, STARR, WINTERS, Representatives GILLIAM, THATCHER, WINGARD (at the request of Freedom Works)

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**.

Proposes amendment to Oregon Constitution to impose limitations on awards of noneconomic damages in civil actions.

Refers proposed amendment to people for their approval or rejection at next regular general election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 12 to be added to and made a part of Article XV, such section to read:

SECTION 12. (1) Except as provided in subsection (2) of this section, noneconomic damages may not be recovered in a civil action by or on behalf of an injured person in an amount that exceeds:

(a) \$250,000, if the person is not permanently disabled by reason of the injury; or

(b) \$500,000, if the person is permanently disabled by reason of the injury.

(2) If a plaintiff establishes in a civil action that a defendant intentionally caused injury to the plaintiff or that the injury was caused by gross negligence of a defendant, the plaintiff may recover noneconomic damages from the defendant in an amount not to exceed:

(a) \$500,000, if the plaintiff is not permanently disabled by reason of the injury; or

(b) \$750,000, if the plaintiff is permanently disabled by reason of the injury.

(3) Except as provided in subsection (4) of this section, noneconomic damages may not be recovered in a wrongful death action in an amount that exceeds \$500,000.

(4) If the plaintiff in a wrongful death action establishes that a defendant intentionally caused the death of the decedent or that the death was caused by gross negligence of a defendant, the plaintiff may recover noneconomic damages from the defendant in an amount not to exceed \$1 million.

(5) The Legislative Assembly by law may establish criteria for determining when a physical or mental impairment is permanent for the purposes of this section.

(6) For the purposes of this section:

(a) "Disabled" means having a physical or mental impairment that substantially limits one or more major life activities.

(b) "Noneconomic damages" means subjective, nonmonetary losses, including but not limited to pain, mental suffering, emotional distress, humiliation, injury to reputation, loss of consortium, inconvenience, interference with normal and usual activities apart from gainful employment, and loss of care, comfort, companionship and society.

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 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
2 people for their approval or rejection at the next regular general election held throughout
3 this state.

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