

HB 4027-A7  
(LC 55)  
2/21/12 (MNJ/ps)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4027**

- 1 On page 1 of the printed A-engrossed bill, delete lines 5 through 24.  
2 On page 2, delete lines 1 through 16 and insert:  
3 **“SECTION 1.** ORS 30.792 is amended to read:  
4 **“30.792. (1)** As used in this section:  
5 **“(a)(A)** ‘Charitable corporation’ has the meaning given that term in ORS  
6 128.620.  
7 **“(B)** ‘Charitable corporation’ **does not include hospitals, intermedi-**  
8 **ate care facilities or long term care facilities, as those terms are de-**  
9 **fin ed in ORS 442.015.**  
10 **“(b)** ‘Health care provider’ means [*any person*] **an individual** licensed in  
11 this state as a practitioner of one or more healing arts as described in ORS  
12 31.740.  
13 **“(c)** ‘Health clinic’ means a public health clinic or a health clinic oper-  
14 ated by a charitable corporation that provides primarily primary physical  
15 health, dental or mental health services to low-income patients without  
16 charge or using a sliding fee scale based on the income of the patient.  
17 **“(2)** Except as provided in subsection (3) of this section, [*no*] **a person**  
18 **may not** maintain an action for damages against:  
19 **“(a)** A health care provider who voluntarily provides [*to a charitable cor-*  
20 *poration any*] assistance, services or advice [*directly related to the charitable*  
21 *purposes of the*] **through a charitable** corporation if:  
22 **“(A)** The assistance, services or advice **that caused the damages** are

1 within the scope of the license of the health care provider; *[or]* **and**

2 **“(B) The health care provider was acting within the course and**  
3 **scope of the provider’s volunteer duties when the damages occurred;**  
4 **or**

5 **“(b) A health clinic for the assistance, services or advice provided by a**  
6 **health care provider described in paragraph (a) of this subsection.**

7 **“(3) The immunity provided in this section *[shall]* does not apply to:**

8 **“(a) Any person who receives compensation other than reimbursement for**  
9 **expenses incurred by the person providing *[such]* the assistance, services or**  
10 **advice described in subsection (2) of this section.**

11 **“(b) A person operating a motor vehicle, vessel, aircraft or other**  
12 **vehicle for which the person or owner of the vehicle, vessel, aircraft**  
13 **or other vehicle is required to possess an operator’s license or to**  
14 **maintain insurance.**

15 **“*[(b)]* (c) The liability of any person for damages resulting from the**  
16 **person’s gross negligence or from the person’s reckless, wanton or inten-**  
17 **tional misconduct.**

18 **“*[(c)]* (d) Any activity for which a person is otherwise strictly liable**  
19 **without regard to fault.”.**

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