

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	4/12, 4/18

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**WHAT THE MEASURE DOES:** Adds claim of child abuse or knowingly allowing, permitting or encouraging child abuse to the exemptions on filing a Oregon Tort Claim Act notice. States negligence actions arising out of health care retain the Oregon Tort Claim notice requirement. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Difference between public and private entities
- Substantial increase in statute of limitations in original bill
- Fiscal impact
- Definition of child abuse

**EFFECT OF COMMITTEE AMENDMENT:** Removes exemption to the two year statute of limitation for child abuse against public body from the original bill. Removes retroactivity clause. Removes mechanism to revive causes of action within two years for claims that failed because of failure to meet tort claim notice requirement or meet statute of limitation or statute of ultimate repose. States negligence actions arising out of health care retain the Oregon Tort Claim notice requirement. Adds emergency clause.

**BACKGROUND:** Tort actions against public bodies must meet the notice requirements of the Oregon Tort Claims Act. The time frame is generally one year for wrongful death and 180 days for other claims. There are exceptions for the required noticed for claimants under 18 years of age if the claim is against the Department of Human Services and Oregon Youth Authority and the minor is in their jurisdiction. There is also an exception for private nonprofits that provide public transportation. House Bill 3478 A adds child abuse or knowingly allowing, permitting or encouraging child abuse to the exemptions on filing a Oregon Tort Claim Act notice.