

# Senate Bill 67

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## 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**.

Increases time during which person can file action to preserve claim before running of statute of limitations and be exempt from claim for wrongful use of civil proceeding.

## A BILL FOR AN ACT

Relating to civil proceedings; creating new provisions; and amending ORS 31.230.

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

**SECTION 1.** ORS 31.230 is amended to read:

31.230. (1) In order to bring a claim for wrongful use of a civil proceeding against another, a person *[shall not be]* **is not** required to plead or prove special injury beyond the expense and other consequences normally associated with defending against unfounded legal claims.

(2) The filing of a civil action **is not grounds for a claim for wrongful use of a civil proceeding under subsection (1) of this section if:**

(a) **The action is filed** within *[60]* **100** days *[of]* **before** the running of the statute of limitations;

(b) **The action is filed** for the purpose of preserving and evaluating the claim *[when]; and*

(c) The action is dismissed within 120 days after the date of filing *[shall not constitute grounds for a claim for wrongful use of a civil proceeding under subsection (1) of this section].*

(3) A claim for damages for wrongful use of a civil proceeding *[shall]* **must** be brought in an original action after the proceeding which is the subject matter of the claim is concluded.

**SECTION 2. The amendments to ORS 31.230 by section 1 of this 2013 Act apply to actions commenced on or after the effective date of this 2013 Act for the purpose of preserving and evaluating a claim as described in ORS 31.230 (2).**

**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.