

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2581**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the  
2 rest of the line and line 3 and insert “amending ORS 30.265; and declaring  
3 an emergency.”.

4 Delete lines 5 through 30 and delete pages 2 through 7 and insert:

5 **“SECTION 1. ORS 30.265 is amended to read:**

6 “30.265. (1) Subject to the limitations of ORS 30.260 to 30.300, every public  
7 body is subject to civil action for its torts and those of its officers, employees  
8 and agents acting within the scope of their employment or duties, whether  
9 arising out of a governmental or proprietary function or while operating a  
10 motor vehicle in a ridesharing arrangement authorized under ORS 276.598.

11 “(2) The sole cause of action for a tort committed by officers, employees  
12 or agents of a public body acting within the scope of their employment or  
13 duties and eligible for representation and indemnification under ORS 30.285  
14 or 30.287 is an action under ORS 30.260 to 30.300. The remedy provided by  
15 ORS 30.260 to 30.300 is exclusive of any other action against any such officer,  
16 employee or agent of a public body whose act or omission within the scope  
17 of the officer’s, employee’s or agent’s employment or duties gives rise to the  
18 action. No other form of civil action is permitted.

19 “(3) If an action under ORS 30.260 to 30.300 alleges damages in an amount  
20 equal to or less than the damages allowed under ORS 30.271, 30.272 or 30.273,  
21 the sole cause of action for a tort committed by officers, employees or agents  
22 of a public body acting within the scope of their employment or duties and

1 eligible for representation and indemnification under ORS 30.285 or 30.287  
2 is an action against the public body. If an action is filed against an officer,  
3 employee or agent of a public body, and the plaintiff alleges damages in an  
4 amount equal to or less than the damages allowed under ORS 30.271, 30.272  
5 or 30.273, the court upon motion shall substitute the public body as the de-  
6 fendant. Substitution of the public body as the defendant does not exempt the  
7 public body from making any report required under ORS 742.400.

8 “(4) If an action under ORS 30.260 to 30.300 alleges damages in an amount  
9 greater than the damages allowed under ORS 30.271, 30.272 or 30.273, the  
10 action may be brought and maintained against an officer, employee or agent  
11 of a public body, whether or not the public body is also named as a defend-  
12 ant. An action brought under this subsection is subject to the limitations on  
13 damages imposed under ORS 30.271, 30.272 or 30.273, and the total combined  
14 amount recovered in the action may not exceed those limitations for a single  
15 accident or occurrence without regard to the number or types of defendants  
16 named in the action.

17 “(5) Every public body is immune from liability for any claim for injury  
18 to or death of any person or injury to property resulting from an act or  
19 omission of an officer, employee or agent of a public body when such officer,  
20 employee or agent is immune from liability.

21 “(6) Every public body and its officers, employees and agents acting  
22 within the scope of their employment or duties, or while operating a motor  
23 vehicle in a ridesharing arrangement authorized under ORS 276.598, are im-  
24 mune from liability for:

25 “(a) Any claim for injury to [*or death of*] any person covered by any  
26 workers’ compensation law.

27 “(b) Any claim in connection with the assessment and collection of taxes.

28 “(c) Any claim based upon the performance of or the failure to exercise  
29 or perform a discretionary function or duty, whether or not the discretion  
30 is abused.

1 “(d) Any claim that is limited or barred by the provisions of any other  
2 statute, including but not limited to any statute of ultimate repose.

3 “(e) Any claim arising out of riot, civil commotion or mob action or out  
4 of any act or omission in connection with the prevention of any of the  
5 foregoing.

6 “(f) Any claim arising out of an act done or omitted under apparent au-  
7 thority of a law, resolution, rule or regulation that is unconstitutional, in-  
8 valid or inapplicable except to the extent that they would have been liable  
9 had the law, resolution, rule or regulation been constitutional, valid and  
10 applicable, unless such act was done or omitted in bad faith or with malice.

11 “(7) This section applies to any action of any officer, employee or agent  
12 of the state relating to a nuclear incident, whether or not the officer, em-  
13 ployee or agent is acting within the scope of employment, and provided the  
14 nuclear incident is covered by an insurance or indemnity agreement under  
15 42 U.S.C. 2210.

16 “(8) Subsection (6)(c) of this section does not apply to any discretionary  
17 act that is found to be the cause or partial cause of a nuclear incident cov-  
18 ered by an insurance or indemnity agreement under the provisions of 42  
19 U.S.C. 2210, including but not limited to road design and route selection.

20 **“SECTION 2. This 2013 Act being necessary for the immediate**  
21 **preservation of the public peace, health and safety, an emergency is**  
22 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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