

**PRELIMINARY STAFF MEASURE SUMMARY**

**CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact**

**FISCAL: May have fiscal impact, statement not yet issued**

**SUBSEQUENT REFERRAL TO:**

**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/07

**WHAT THE MEASURE DOES:** Repeals \$500,000 cap on non-economic damage awards in tort actions. Provides definition of non-economic and economic damages and requires verdict to separately set forth such damages. Makes conforming changes.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:**

Proposed (-1) amendment raises cap to \$1 million.

Proposed (-2) amendment raises cap to \$2 million.

Proposed (-3) amendment raises cap to \$1.5 million.

Proposed (-6) amendment raises cap to \$1.5 million and provides yearly increase beginning in 2020 according to consumer price index. Specifies that cap on noneconomic damages apply only to wrongful death claims, in accordance with state court decisions. Declares emergency; effective on passage.

**BACKGROUND:** Currently, Oregon law allows a plaintiff in a tort action to recover for economic damages, such as loss of income, health care costs, and property repair costs. A plaintiff may also recover for non-economic damages, such as pain, mental suffering, companionship, interference with normal and usual non-employment activities. Recovery for non-economic damages is limited to \$500,000.

Senate Bill 409 repeals the \$500,000 cap, moves the definitions of economic and non-economic damages to ORS 31.705, and makes other conforming changes.