

**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.

**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.