

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/21/15

Action: Do Pass With Amendments And Requesting Referral To Rules. (Printed A-Engrossed.)

Meeting Dates: 04/07, 04/20, 04/21

Vote:

Yeas: 3 - Burdick, Gelser, Prozanski

Nays: 2 - Kruse, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Raises cap on non-economic damage awards in wrongful death actions to \$1,500,000. Provides definition of non-economic and economic damages and requires verdict to separately set forth such damages. Makes conforming changes.

ISSUES DISCUSSED:

- Applies only to wrongful death actions
- Cap has not been raised in 28 years
- Oregon Health & Science University cap on all damages is \$2,000,000
- Examples of wrongful death cases
- Caps on damages in other states

EFFECT OF COMMITTEE AMENDMENT:

Raises cap to \$1.5 million.

BACKGROUND:

Currently, Oregon law allows a plaintiff in a wrongful death 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, and interference with normal and usual non-employment activities. Recovery for non-economic damages is limited to \$500,000.

Senate Bill 409 A raises the \$500,000 cap to \$1,500,000, moves the definitions of economic and non-economic damages to ORS 31.705, and makes other conforming changes.