

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 2333 - A**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***Prepared by: John Terpening
Reviewed by: John Borden, Paul Siebert, Steve Bender
Date: 6-1-2015**Measure Description:**

Clarifies that certain statutes of limitation are tolled if person entitled to bring action is child or has a disabling mental condition.

Government Unit(s) Affected:

Cities, Counties, Judicial Department, Department of Administrative Services (DAS), Department of Justice

Summary of Expenditure Impact: See Analysis**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure would increase the statute of limitations for minors, or individuals who have a disabling mental condition, to bring claims under the Oregon Tort Claims Act. Currently, the statute of limitations is two years. For minors, the measure would increase the statute of limitations to 5 years, or one year after the minor turns 18, whichever occurs first. For individuals who have a disabling mental condition, the measure would increase the statute of limitations for 5 years, or one year after the person no longer has the disabling mental condition, whichever occurs first. The measure applies to all causes of action on or after January 1, 2008, and is effective on passage.

Based on the January 1, 2008 timeline provided by the measure, the Department of Administrative Services (DAS) Risk Management division anticipates a minimum of two cases may be filed. The Oregon Tort Claims Act prescribes tort limits that would apply to any claim that was presented. The following table shows the tort limits in effect from 2008 to the present.

Date	Per Person limit	Per Occurrence limit
1-1-08 to 6-30-10	\$1,500,000	\$3,000,000
7-1-10 to 6-30-11	\$1,600,000	\$3,200,000
7-1-11 to 6-30-12	\$1,700,000	\$3,400,000
7-1-12 to 6-30-13	\$1,800,000	\$3,600,000
7-1-13 to 6-30-14	\$1,900,000	\$3,800,000
7-1-14 to 6-30-15	\$2,000,000	\$4,000,000
Beginning 7-1-15 limits will increase by Consumer Price Index every 7/1		

Any potential claim settlements will have a fiscal impact to the Risk Management Insurance Fund, and any costs will be passed on to all state agencies through allocated risk assessment charges administered by DAS. Depending on the number and the complexity of cases, the Department of Justice (DOJ) and any state agencies that it defends will have additional costs. Based on the DAS Risk Management assumptions of relatively few applicable cases, DOJ anticipates being able to absorb the potential workload within existing resources. Additionally, the Judicial Department will have minimal costs for any lawsuits filed in circuit court.