

A-Engrossed
House Bill 2333

Ordered by the Senate June 3
Including Senate Amendments dated June 3

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Clarifies that certain statutes of limitation are tolled if person entitled to bring action is child or [*is insane*] **has certain disabling mental condition**.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to tolling of statutes of limitation; creating new provisions; amending ORS 12.160; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 12.160 is amended to read:

6 12.160. (1) Subject to subsection (2) of this section, if a person is entitled to bring an action [*that*
7 *is subject to the statutes of limitation prescribed by*] **mentioned in** ORS 12.010 to 12.050, 12.070 to
8 12.250 or 12.276, and at the time the cause of action accrues the person is a child who is younger
9 than 18 years of age, the statute of limitation for commencing the action is tolled for so long as the
10 person is younger than 18 years of age.

11 (2) The time for commencing an action may not be extended under subsection (1) of this section
12 for more than five years, or for more than one year after the person attains 18 years of age,
13 whichever occurs first.

14 (3) Subject to subsection (4) of this section, if a person is entitled to bring an action [*that*
15 *is subject to the statutes of limitation prescribed by*] **mentioned in** ORS 12.010 to 12.050, 12.070 to 12.250
16 or 12.276, and at the time the cause of action accrues the person [*is insane*] **has a disabling mental**
17 **condition that bars the person from comprehending rights that the person is otherwise**
18 **bound to know**, the statute of limitation for commencing the action is tolled for so long as the
19 person [*is insane*] **has a disabling mental condition that bars the person from comprehending**
20 **rights that the person is otherwise bound to know**.

21 (4) The time for commencing an action may not be extended under subsection (3) of this section
22 for more than five years, or for more than one year after the person [*is no longer insane*] **no longer**
23 **has a disabling mental condition that bars the person from comprehending rights that the**
24 **person is otherwise bound to know**, whichever occurs first.

25 (5) If a child's cause of action is tolled under subsection (1) of this section, a cause of action for
26 recovery of damages for medical expenses incurred by a parent, guardian or conservator of the child
27 is tolled for the same period of time as the child's cause of action if the medical expenses resulted

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 from the same wrongful conduct that is the basis of the child's cause of action.

2 **SECTION 2.** (1) The amendments to ORS 12.160 by section 1 of this 2015 Act apply to all
3 causes of action arising on or after January 1, 2008.

4 (2) If the amendments to ORS 12.160 by section 1 of this 2015 Act operate to revive a
5 claim that was barred under ORS 12.160 immediately before the effective date of this 2015
6 Act, the person asserting the claim must commence the cause of action within the time
7 prescribed for commencing the action under ORS 12.160, as amended by section 1 of this 2015
8 Act, or within one year after the effective date of this 2015 Act, whichever is later.

9 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
11 on its passage.

12