

Enrolled House Bill 2333

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

CHAPTER

AN ACT

Relating to tolling of statutes of limitation; creating new provisions; amending ORS 12.160; and declaring an emergency.

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

SECTION 1. ORS 12.160 is amended to read:

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

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

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

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

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

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

(2) **If the amendments to ORS 12.160 by section 1 of this 2015 Act operate to revive a claim that was barred under ORS 12.160 immediately before the effective date of this 2015 Act, the person asserting the claim must commence the cause of action within the time**

prescribed for commencing the action under ORS 12.160, as amended by section 1 of this 2015 Act, or within one year after the effective date of this 2015 Act, whichever is later.

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

Passed by House March 2, 2015

Received by Governor:

Repassed by House June 10, 2015

.....M.,....., 2015

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 8, 2015

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State