

**PROPOSED AMENDMENTS TO
SENATE BILL 409**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and delete line 3 and insert “and amending ORS 30.298, 30.650,
3 31.360, 31.705, 31.710, 31.715, 124.100, 137.103, 260.532 and 742.544.”.

4 Delete line 5 and insert:

5 **“SECTION 1. ORS 31.710 is amended to read:**

6 “31.710. (1) Except for claims subject to ORS 30.260 to 30.300 and ORS
7 chapter 656, in any civil action seeking damages arising out of bodily injury,
8 including emotional injury or distress, death or property damage of any one
9 person including claims for loss of care, comfort, companionship and society
10 and loss of consortium, the amount awarded for noneconomic damages shall
11 not exceed [~~\$500,000~~] **\$1,000,000**.

12 “[~~(2) As used in this section:~~]

13 “[~~(a) ‘Economic damages’ means objectively verifiable monetary losses in-~~
14 ~~cluding but not limited to reasonable charges necessarily incurred for medical,~~
15 ~~hospital, nursing and rehabilitative services and other health care services,~~
16 ~~burial and memorial expenses, loss of income and past and future impairment~~
17 ~~of earning capacity, reasonable and necessary expenses incurred for substitute~~
18 ~~domestic services, recurring loss to an estate, damage to reputation that is~~
19 ~~economically verifiable, reasonable and necessarily incurred costs due to loss~~
20 ~~of use of property and reasonable costs incurred for repair or for replacement~~
21 ~~of damaged property, whichever is less.]~~

22 “[~~(b) ‘Noneconomic damages’ means subjective, nonmonetary losses, includ-~~”

1 *ing but not limited to pain, mental suffering, emotional distress, humiliation,*
2 *injury to reputation, loss of care, comfort, companionship and society, loss of*
3 *consortium, inconvenience and interference with normal and usual activities*
4 *apart from gainful employment.]*

5 “[(3)] (2) This section does not apply to punitive damages.

6 “[(4)] (3) The jury shall not be advised of the limitation set forth in this
7 section.

8 **“SECTION 2. The amendments to ORS 31.710 by section 1 of this**
9 **2015 Act apply to causes of action that arise on or after the effective**
10 **date of this 2015 Act.”.**

11 In line 6, delete “2” and insert “3”.

12 Delete lines 22 through 31.

13 On page 2, delete lines 1 through 15.

14 On page 7, delete lines 28 through 32.

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