

**PROPOSED AMENDMENTS TO
SENATE BILL 409**

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

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*] **for the**
9 **wrongful death** of any one person including claims for loss of care, comfort,
10 companionship and society and loss of consortium, the amount awarded for
11 noneconomic damages [*shall*] **may not exceed [\$500,000] \$1,500,000.**

12 **“(2) Beginning in 2020, and every year thereafter, the State Court**
13 **Administrator shall determine the percentage increase or decrease in**
14 **the cost of living for the previous calendar year, based on changes in**
15 **the Portland-Salem, OR-WA Consumer Price Index for All Urban**
16 **Consumers for All Items as published by the Bureau of Labor Statis-**
17 **tics of the United States Department of Labor. On or before July 1 of**
18 **the year in which the State Court Administrator makes the determi-**
19 **nation required by this subsection, the State Court Administrator**
20 **shall adjust the limitation imposed under subsection (1) of this section**
21 **for the following calendar year by multiplying the limitation amount**
22 **applicable to the calendar year in which the adjustment is made by the**

1 percentage amount determined under this subsection. The State Court
2 Administrator shall round the adjusted limitation amount to the
3 nearest \$100, but the unrounded amount shall be used to calculate the
4 adjustment to the limitation in subsequent calendar years. The ad-
5 justed limitation becomes effective on July 1 of the year in which the
6 adjustment is made, and applies to all causes of action arising on or
7 after July 1 of that year and before July 1 of the subsequent year.

8 “[*(2) As used in this section:*]

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

18 “[*(b) ‘Noneconomic damages’ means subjective, nonmonetary losses, includ-*
19 *ing but not limited to pain, mental suffering, emotional distress, humiliation,*
20 *injury to reputation, loss of care, comfort, companionship and society, loss of*
21 *consortium, inconvenience and interference with normal and usual activities*
22 *apart from gainful employment.*]

23 “(3) This section does not apply to punitive damages.

24 “(4) The jury [*shall*] **may** not be advised of the limitation set forth in this
25 section.

26 **“SECTION 2. The amendments to ORS 31.710 by section 1 of this**
27 **2015 Act apply to causes of action that arise on or after the effective**
28 **date of this 2015 Act.”**

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

30 Delete lines 22 through 31.

1 On page 2, delete lines 1 through 15.

2 On page 7, delete lines 28 through 32 and insert:

3 **SECTION 12. This 2015 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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