

SB 487 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/28, 4/5

WHAT THE MEASURE DOES:

Increases cap on wrongful death damage award from \$500,000 to \$1,000,000. Removes statutory cap on other causes of action. Sets annual adjustment to cap based on changes to Consumer Price Index. Moves definition of "economic damages" and "non-economic damages" to ORS 31.705. Applies to actions in which final judgment has not yet been entered. Declares emergency; effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Maintains current cap on noneconomic damages in wrongful death cases at \$500,000. Eliminates annual inflation adjustment.

BACKGROUND:

Oregon law separately addresses the types of damages awarded in civil actions. Economic damages are verifiable monetary losses such as medical expenses, lost wages, and diminished earning potentials. Non-economic damages are subjective non-monetary losses, such as pain, mental suffering, emotional distress, and loss of care, comfort, companionship and society. Currently, ORS 31.710 and the 2016 Oregon Supreme Court decision in *Horton v OHSU*, 359 Or 168, limit all non-economic damages arising out of bodily injury to \$500,000.

Senate Bill 487 increases the cap on non-economic damages due to wrongful death from \$500,000 to \$1,000,000, while removing the cap on non-economic damages in other tort actions. The measure also provides an annual increase in the cap amount that is tied to annual increases in the Consumer Price Index.