

SENATE MINORITY REPORT AMENDMENTS TO HOUSE BILL 2014

By Nonconcurring Members of COMMITTEE ON JUDICIARY

May 28

1 On page 1 of the printed bill, line 2, after “provisions;” insert “and”.

2 In line 3, delete “; and declaring an emergency”.

3 Delete lines 5 through 31.

4 On page 2, delete lines 1 and 2 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 chapter 656, in any civil
7 action seeking damages arising out of bodily injury, including emotional injury or distress, death or
8 property damage of any one person including claims for loss of care, comfort, companionship and
9 society and loss of consortium, the amount awarded for noneconomic damages shall not exceed
10 [~~\$500,000~~] **\$1.5 million.**

11 “(2) **Beginning in 2020, and every year thereafter, the State Court Administrator shall**
12 **determine the percentage increase or decrease in the cost of living for the previous calendar**
13 **year, based on changes in the Consumer Price Index for All Urban Consumers, West Region**
14 **(All Items), as published by the Bureau of Labor Statistics of the United States Department**
15 **of Labor. On or before July 1 of the year in which the State Court Administrator makes the**
16 **determination required by this subsection, the State Court Administrator shall adjust the**
17 **limitation imposed under subsection (1) of this section by multiplying the limitation amount**
18 **applicable to the year in which the adjustment is made by the percentage amount determined**
19 **under this subsection. The State Court Administrator shall round the adjusted limitation**
20 **amount to the nearest \$100, but the unrounded amount shall be used to calculate the ad-**
21 **justment to the limitation in the following year. The adjusted limitation becomes effective**
22 **on July 1 of the year in which the adjustment is made, and applies to all causes of action**
23 **arising on or after July 1 of that year and before July 1 of the following year.**

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

25 “[~~(a) ‘Economic damages’ means objectively verifiable monetary losses including but not limited to~~
26 ~~reasonable charges necessarily incurred for medical, hospital, nursing and rehabilitative services and~~
27 ~~other health care services, burial and memorial expenses, loss of income and past and future impair-~~
28 ~~ment of earning capacity, reasonable and necessary expenses incurred for substitute domestic services,~~
29 ~~recurring loss to an estate, damage to reputation that is economically verifiable, reasonable and neces-~~
30 ~~sarily incurred costs due to loss of use of property and reasonable costs incurred for repair or for re-~~
31 ~~placement of damaged property, whichever is less.]~~

32 “[~~(b) ‘Noneconomic damages’ means subjective, nonmonetary losses, including but not limited to~~
33 ~~pain, mental suffering, emotional distress, humiliation, injury to reputation, loss of care, comfort,~~
34 ~~companionship and society, loss of consortium, inconvenience and interference with normal and usual~~

1 *activities apart from gainful employment.]*

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

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

4 “**SECTION 2. The amendments to ORS 31.710 by section 1 of this 2019 Act apply to causes**
5 **of action that arise on or after the effective date of this 2019 Act.”.**

6 On page 7, delete lines 25 through 27.

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/s/ Cliff Bentz
Senator

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/s/ Kim Thatcher
Senator

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