

Enrolled
Senate Bill 186

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CHAPTER

AN ACT

Relating to adjustments to limitations under the Oregon Tort Claims Act; creating new provisions; amending ORS 30.271, 30.272 and 30.273; and declaring an emergency.

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

SECTION 1. ORS 30.271 is amended to read:

30.271. (1) The limitations imposed by this section apply to claims that:

- (a) Are subject to ORS 30.260 to 30.300;
- (b) Are made against the state, or against an officer, employee or agent of the state acting within the person's scope of employment or duties;
- (c) Arise out of a single accident or occurrence; and
- (d) Are not claims for damage to or destruction of property.

(2) The liability of the state, and the liability of the state's officers, employees and agents acting within the scope of their employment or duties, to any single claimant for claims described in subsection (1) of this section may not exceed:

(a) \$1.5 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.

(b) \$1.6 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

(c) \$1.7 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

(d) \$1.8 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

(e) \$1.9 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$2 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(3) The liability of the state, and the liability of the state's officers, employees and agents acting within the scope of their employment or duties, to all claimants for claims described in subsection (1) of this section may not exceed:

(a) \$3 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.

(b) \$3.2 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

(c) \$3.4 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

(d) \$3.6 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

(e) \$3.8 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$4 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the [*Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items*] **Consumer Price Index for All Urban Consumers, West Region (All Items)**, as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsections (2) and (3) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.

(5) The limitations imposed by this section apply to claims against Oregon Health and Science University.

(6) The limitations imposed by this section apply to claims against the State Fair Council.

SECTION 2. ORS 30.272 is amended to read:

30.272. (1) The limitations imposed by this section apply to claims that:

(a) Are subject to ORS 30.260 to 30.300;

(b) Are made against a local public body, or against an officer, employee or agent of a local public body acting within the person's scope of employment or duties;

(c) Arise out of a single accident or occurrence; and

(d) Are not claims for damage to or destruction of property.

(2) The liability of a local public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, to any single claimant for claims described in subsection (1) of this section may not exceed:

(a) \$500,000, for causes of action arising on or after July 1, 2009, and before July 1, 2010.

(b) \$533,300, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

(c) \$566,700, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

(d) \$600,000, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

(e) \$633,300, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$666,700, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(3) The liability of a local public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, to all claimants for claims described in subsection (1) of this section may not exceed:

(a) \$1 million, for causes of action arising on or after July 1, 2009, and before July 1, 2010.

(b) \$1,066,700, for causes of action arising on or after July 1, 2010, and before July 1, 2011.

(c) \$1,133,300, for causes of action arising on or after July 1, 2011, and before July 1, 2012.

(d) \$1,200,000, for causes of action arising on or after July 1, 2012, and before July 1, 2013.

(e) \$1,266,700, for causes of action arising on or after July 1, 2013, and before July 1, 2014.

(f) \$1,333,300, for causes of action arising on or after July 1, 2014, and before July 1, 2015.

(g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising on or after July 1, 2015.

(4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the [*Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All*

Items] **Consumer Price Index for All Urban Consumers, West Region (All Items)**, as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsections (2) and (3) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.

(5) The limitations imposed by this section do not apply to claims against Oregon Health and Science University.

SECTION 3. ORS 30.273 is amended to read:

30.273. (1) The limitations imposed by this section apply to claims that:

- (a) Are subject to ORS 30.260 to 30.300;
 - (b) Are made against a public body, or against a public body's officers, employees and agents acting within the scope of their employment or duties;
 - (c) Arise out of a single accident or occurrence; and
 - (d) Are claims for damage to or destruction of property, including consequential damages.
- (2) The liability of a public body, and the liability of the public body's officers, employees and agents acting within the scope of their employment or duties, for claims described in subsection (1) of this section may not exceed:

(a) \$100,000, or the adjusted limitation provided by subsection (3) of this section, to any single claimant.

(b) \$500,000, or the adjusted limitation provided by subsection (3) of this section, to all claimants.

(3) Beginning in 2010, and every year thereafter, the State Court Administrator shall determine the percentage increase or decrease in the cost of living for the previous calendar year, based on changes in the [*Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All Items*] **Consumer Price Index for All Urban Consumers, West Region (All Items)**, as published by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1 of the year in which the State Court Administrator makes the determination required by this subsection, the State Court Administrator shall adjust the limitations imposed under subsection (2) of this section for the following calendar year by multiplying the limitation amounts applicable to the calendar year in which the adjustment is made by the percentage amount determined under this subsection. The adjustment may not exceed three percent for any year. The State Court Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount shall be used to calculate the adjustments to the limitations in subsequent calendar years. The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made, and applies to all causes of action arising on or after July 1 of that year and before July 1 of the subsequent year.

SECTION 4. The amendments to ORS 30.271, 30.272 and 30.273 by sections 1 to 3 of this 2019 Act apply to determinations and adjustments made on or after January 1, 2019.

SECTION 5. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate January 31, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 20, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Secretary of State