

Senate Bill 186

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes index for determining cost of living adjustments to limitations on damages under Oregon Tort Claims Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to adjustments to limitations under the Oregon Tort Claims Act; amending ORS 30.271,
3 30.272 and 30.273; and declaring an emergency.

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

5 **SECTION 1.** ORS 30.271 is amended to read:

6 30.271. (1) The limitations imposed by this section apply to claims that:

7 (a) Are subject to ORS 30.260 to 30.300;

8 (b) Are made against the state, or against an officer, employee or agent of the state acting
9 within the person's scope of employment or duties;

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

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

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

15 (a) \$1.5 million, for causes of action arising on or after December 28, 2007, and before July 1,
16 2010.

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

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

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

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

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

23 **SECTION 2.** ORS 30.272 is amended to read:

24 30.272. (1) The limitations imposed by this section apply to claims that:

25 (a) Are subject to ORS 30.260 to 30.300;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **SECTION 3.** ORS 30.273 is amended to read:

25 30.273. (1) The limitations imposed by this section apply to claims that:

26 (a) Are subject to ORS 30.260 to 30.300;

27 (b) Are made against a public body, or against a public body's officers, employees and agents
28 acting within the scope of their employment or duties;

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

30 (d) Are claims for damage to or destruction of property, including consequential damages.

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

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

36 (b) \$500,000, or the adjusted limitation provided by subsection (3) of this section, to all claim-
37 ants.

38 (3) Beginning in 2010, and every year thereafter, the State Court Administrator shall determine
39 the percentage increase or decrease in the cost of living for the previous calendar year, based on
40 changes in the [*Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All*
41 *Items*] **Consumer Price Index for All Urban Consumers, West Region (All Items)**, as published
42 by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1
43 of the year in which the State Court Administrator makes the determination required by this sub-
44 section, the State Court Administrator shall adjust the limitations imposed under subsection (2) of
45 this section for the following calendar year by multiplying the limitation amounts applicable to the

1 calendar year in which the adjustment is made by the percentage amount determined under this
2 subsection. The adjustment may not exceed three percent for any year. The State Court Adminis-
3 trator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount
4 shall be used to calculate the adjustments to the limitations in subsequent calendar years. The ad-
5 justed limitation becomes effective on July 1 of the year in which the adjustment is made, and ap-
6 plies to all causes of action arising on or after July 1 of that year and before July 1 of the
7 subsequent year.

8 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
10 **on its passage.**

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