

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon Law Commission)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3008**

1 On page 1 of the printed bill, delete lines 26 through 28.

2 On page 2, delete lines 1 through 24 and insert:

3 **“SECTION 3. Court approval of settlement of personal injury claim**
4 **or wrongful death claim.** (1) The parties to a personal injury claim or
5 a wrongful death claim may enter into a settlement agreement, sub-
6 ject to the approval of the probate court, whether or not an action
7 asserting the personal injury claim or the wrongful death claim has
8 been commenced. The personal representative shall petition the pro-
9 bate court for approval of the proposed settlement. The petition need
10 not state the amount of the proposed settlement.

11 **“(2) A petition to approve a settlement under this section must be**
12 **accompanied by a declaration under penalty of perjury of the attorney**
13 **for the personal representative in the personal injury claim or the**
14 **wrongful death claim:**

15 **“(a) Stating whether the claim being settled is a personal injury**
16 **claim or a wrongful death claim;**

17 **“(b) Describing the incident causing the injury or death;**

18 **“(c) Describing the injuries;**

19 **“(d) Stating the amount of the claim;**

20 **“(e) Stating the amount of the settlement;**

21 **“(f) Stating the amount of attorney fees and costs;**

1 “(g) Stating the amount of payments or reimbursements owed un-
2 der ORS 30.030 (3) and, in the case of a personal injury claim, under
3 ORS 416.540;

4 “(h) Stating the amount of any personal representative fee attrib-
5 utable to a wrongful death claim;

6 “(i) Stating the reasons for the settlement and the efforts to maxi-
7 mize recovery;

8 “(j) Stating that the attorney has examined the applicable medical
9 records; and

10 “(k) Explaining why it is appropriate to settle the case.”.

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