

Requested by Senator THATCHER

**PROPOSED MINORITY REPORT AMENDMENTS TO
HOUSE BILL 2014**

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

12 **“(2) Beginning in 2020, and every year thereafter, the State Court**
13 **Administrator shall determine the percentage increase or decrease in**
14 **the cost of living for the previous calendar year, based on changes in**
15 **the Consumer Price Index for All Urban Consumers, West Region (All**
16 **Items), as published by the Bureau of Labor Statistics of the United**
17 **States Department of Labor. On or before July 1 of the year in which**
18 **the State Court Administrator makes the determination required by**
19 **this subsection, the State Court Administrator shall adjust the limi-**
20 **tation imposed under subsection (1) of this section by multiplying the**
21 **limitation amount applicable to the year in which the adjustment is**

1 **made by the percentage amount determined under this subsection. The**
2 **State Court Administrator shall round the adjusted limitation amount**
3 **to the nearest \$100, but the unrounded amount shall be used to cal-**
4 **culate the adjustment to the limitation in the following year. The**
5 **adjusted limitation becomes effective on July 1 of the year in which**
6 **the adjustment is made, and applies to all causes of action arising on**
7 **or after July 1 of that year and before July 1 of the following year.**

8 *“(2) As used in this section:”*

9 *“(a) ‘Economic damages’ means objectively verifiable monetary losses in-*
10 *cluding but not limited to reasonable charges necessarily incurred for medical,*
11 *hospital, nursing and rehabilitative services and other health care services,*
12 *burial and memorial expenses, loss of income and past and future impairment*
13 *of earning capacity, reasonable and necessary expenses incurred for substitute*
14 *domestic services, recurring loss to an estate, damage to reputation that is*
15 *economically verifiable, reasonable and necessarily incurred costs due to loss*
16 *of use of property and reasonable costs incurred for repair or for replacement*
17 *of damaged property, whichever is less.]”*

18 *“(b) ‘Noneconomic damages’ means subjective, nonmonetary losses, includ-*
19 *ing but not limited to pain, mental suffering, emotional distress, humiliation,*
20 *injury to reputation, loss of care, comfort, companionship and society, loss of*
21 *consortium, inconvenience and interference with normal and usual activities*
22 *apart from gainful employment.]”*

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

24 *“(4) The jury shall not be advised of the limitation set forth in this sec-*
25 *tion.*

26 **“SECTION 2. The amendments to ORS 31.710 by section 1 of this**
27 **2019 Act apply to causes of action that arise on or after the effective**
28 **date of this 2019 Act.”**

29 On page 7, delete lines 25 through 27.

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