

# House Bill 2525

Sponsored by Representative SANCHEZ (Presession filed.)

## 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**.

Provides that limitations on claims for personal injury and death under Oregon Tort Claims Act do not apply to claims against Oregon Health and Science University.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Tort Claims Act; creating new provisions; and amending ORS 30.269, 30.271  
3 and 30.272.

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

5 **SECTION 1.** ORS 30.269 is amended to read:

6 30.269. (1) Punitive damages may not be awarded on any claim subject to ORS 30.260 to 30.300.

7 (2) Claims subject to ORS 30.260 to 30.300 are not subject to the limitation imposed by ORS  
8 31.710.

9 (3) A court may not apply the limitations imposed on recovery under ORS 30.271, 30.272 and  
10 30.273 until after the entry of a verdict or a stipulation by the parties to the amount of the damages.

11 (4) The limitations imposed under ORS 30.271 (2) and 30.272 (2) on single claimants include  
12 damages claimed for loss of services or loss of support arising out of the same tort.

13 (5) If two or more claimants recover on a claim that arises out of a single accident or occur-  
14 rence, and the recovery is subject to a limitation imposed by ORS 30.271 (3), 30.272 (3) or 30.273  
15 (2)(b), any party to the action in which the claim is made may apply to the court to apportion to  
16 each claimant the proper share of the amount allowed by ORS 30.271 (3), 30.272 (3) or 30.273 (2)(b).  
17 The share apportioned to each claimant shall be in the proportion that the ratio of the award or  
18 settlement made to the claimant bears to the aggregate awards and settlements for all claims arising  
19 out of the accident or occurrence.

20 (6) Liability of any public body and one or more of its officers, employees or agents, or two or  
21 more officers, employees or agents of a public body, on claims arising out of a single accident or  
22 occurrence, may not exceed in the aggregate the amounts allowed by ORS 30.271, 30.272 and 30.273.

23 (7) ORS 30.271, 30.272 and 30.273 do not apply to a claim arising in connection with a nuclear  
24 incident covered by an insurance or indemnity agreement under 42 U.S.C. 2210.

25 (8) For the purposes of the limitations imposed by ORS 30.271, 30.272 and 30.273, events giving  
26 rise to a proclamation of a state of emergency under ORS 401.165, or a proclamation of a public  
27 health emergency under ORS 433.441, do not constitute a single accident or occurrence.

28 **(9) ORS 30.271 and 30.272 do not apply to a claim against Oregon Health and Science**  
29 **University.**

30 **SECTION 2.** ORS 30.271 is amended to read:

31 30.271. (1) The limitations imposed by this section apply to claims that:

**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 (a) Are subject to ORS 30.260 to 30.300;
- 2 (b) Are made against the state, or against an officer, employee or agent of the state acting  
3 within the person's scope of employment or duties;
- 4 (c) Arise out of a single accident or occurrence; and
- 5 (d) Are not claims for damage to or destruction of property.
- 6 (2) The liability of the state, and the liability of the state's officers, employees and agents acting  
7 within the scope of their employment or duties, to any single claimant for claims described in sub-  
8 section (1) of this section may not exceed:
- 9 (a) \$1.5 million, for causes of action arising on or after December 28, 2007, and before July 1,  
10 2010.
- 11 (b) \$1.6 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.
- 12 (c) \$1.7 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
- 13 (d) \$1.8 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
- 14 (e) \$1.9 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.
- 15 (f) \$2 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.
- 16 (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising  
17 on or after July 1, 2015.
- 18 (3) The liability of the state, and the liability of the state's officers, employees and agents acting  
19 within the scope of their employment or duties, to all claimants for claims described in subsection  
20 (1) of this section may not exceed:
- 21 (a) \$3 million, for causes of action arising on or after December 28, 2007, and before July 1, 2010.
- 22 (b) \$3.2 million, for causes of action arising on or after July 1, 2010, and before July 1, 2011.
- 23 (c) \$3.4 million, for causes of action arising on or after July 1, 2011, and before July 1, 2012.
- 24 (d) \$3.6 million, for causes of action arising on or after July 1, 2012, and before July 1, 2013.
- 25 (e) \$3.8 million, for causes of action arising on or after July 1, 2013, and before July 1, 2014.
- 26 (f) \$4 million, for causes of action arising on or after July 1, 2014, and before July 1, 2015.
- 27 (g) The adjusted limitation provided by subsection (4) of this section, for causes of action arising  
28 on or after July 1, 2015.
- 29 (4) Beginning in 2015, and every year thereafter, the State Court Administrator shall determine  
30 the percentage increase or decrease in the cost of living for the previous calendar year, based on  
31 changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as pub-  
32 lished by the Bureau of Labor Statistics of the United States Department of Labor. On or before  
33 July 1 of the year in which the State Court Administrator makes the determination required by this  
34 subsection, the State Court Administrator shall adjust the limitations imposed under subsections (2)  
35 and (3) of this section for the following calendar year by multiplying the limitation amounts appli-  
36 cable to the calendar year in which the adjustment is made by the percentage amount determined  
37 under this subsection. The adjustment may not exceed three percent for any year. The State Court  
38 Administrator shall round the adjusted limitation amount to the nearest \$100, but the unrounded  
39 amount shall be used to calculate the adjustments to the limitations in subsequent calendar years.  
40 The adjusted limitation becomes effective on July 1 of the year in which the adjustment is made,  
41 and applies to all causes of action arising on or after July 1 of that year and before July 1 of the  
42 subsequent year.
- 43 [(5) *The limitations imposed by this section apply to claims against Oregon Health and Science*  
44 *University.*]
- 45 [(6)] (5) The limitations imposed by this section apply to claims against the State Fair Council.

**SECTION 3.** 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 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.]*

1        **SECTION 4.** The amendments to ORS 30.269, 30.271 and 30.272 by sections 1 to 3 of this  
2        **2021 Act apply to claims that arise on and after the effective date of this 2021 Act.**  
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