

Senate Bill 233

Sponsored by Senator MANNING JR (at the request of Jim Evangelista) (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act gives people more time to file claims for injuries from health care. (Flesch Readability Score: 89.8).

Extends the statute of ultimate repose for claims for certain injuries from health care to 10 years from the date of the treatment, omission or operation upon which the action is based.

Applies retroactively to claims for which an action has not been commenced.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the statute of ultimate repose for claims for injuries from health care; creating new
3 provisions; amending ORS 12.110; and declaring an emergency.

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

5 **SECTION 1.** ORS 12.110 is amended to read:

6 12.110. (1) An action for assault, battery, false imprisonment, or for any injury to the person or
7 rights of another, not arising on contract, and not especially enumerated in this chapter, shall be
8 commenced within two years; provided, that in an action at law based upon fraud or deceit, the
9 limitation shall be deemed to commence only from the discovery of the fraud or deceit.

10 (2) An action upon a statute for a forfeiture or penalty to the state or county shall be com-
11 menced within two years.

12 (3) An action for overtime or premium pay or for penalties or liquidated damages for failure to
13 pay overtime or premium pay shall be commenced within two years.

14 (4) An action to recover damages for injuries to the person arising from any medical, surgical
15 or dental treatment, omission or operation shall be commenced within two years from the date when
16 the injury is first discovered or in the exercise of reasonable care should have been discovered.
17 However, notwithstanding the provisions of ORS 12.160, every such action shall be commenced
18 within [*five*] **10** years from the date of the treatment, omission or operation upon which the action
19 is based or, if there has been no action commenced within [*five*] **10** years because of fraud, deceit
20 or misleading representation, then within two years from the date such fraud, deceit or misleading
21 representation is discovered or in the exercise of reasonable care should have been discovered.

22 (5) An action, arising from a nuclear incident, as defined in 42 U.S.C. 2014(q), that involves the
23 release of radioactive material, excluding releases from acts of war, that causes bodily injury, sick-
24 ness or death, shall be commenced:

25 (a) Within two years from the time an injured person discovers or reasonably could have dis-
26 covered the injury and the causal connection between the injury and the nuclear incident; or

27 (b) Within two years from any substantial change in the degree of injury to the person arising
28 out of a nuclear incident.

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 **SECTION 2.** The amendments to ORS 12.110 by section 1 of this 2025 Act apply to claims
2 arising before, on or after the effective date of this 2025 Act, for which an action has not
3 been commenced before the effective date of this 2025 Act.

4 **SECTION 3.** This 2025 Act being necessary for the immediate preservation of the public
5 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
6 on its passage.

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