

A-Engrossed
Senate Bill 186

Ordered by the Senate January 28
Including Senate Amendments dated January 28

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Chief Justice Martha L. Walters for Judicial Department)

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.

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; creating new provisions;
3 amending ORS 30.271, 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:

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

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

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

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

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

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

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

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

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

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

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

28 30.272. (1) The limitations imposed by this section apply to claims that:

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) The liability of a local public body, and the liability of the public body's officers, employees

1 and agents acting within the scope of their employment or duties, to all claimants for claims de-
2 scribed in subsection (1) of this section may not exceed:

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

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

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

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

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

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

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

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

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

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

29 30.273. (1) The limitations imposed by this section apply to claims that:

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

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

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

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

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

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

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

42 (3) Beginning in 2010, and every year thereafter, the State Court Administrator shall determine
43 the percentage increase or decrease in the cost of living for the previous calendar year, based on
44 changes in the [*Portland-Salem, OR-WA Consumer Price Index for All Urban Consumers for All*
45 *Items*] **Consumer Price Index for All Urban Consumers, West Region (All Items)**, as published

1 by the Bureau of Labor Statistics of the United States Department of Labor. On or before July 1
2 of the year in which the State Court Administrator makes the determination required by this sub-
3 section, the State Court Administrator shall adjust the limitations imposed under subsection (2) of
4 this section for the following calendar year by multiplying the limitation amounts applicable to the
5 calendar year in which the adjustment is made by the percentage amount determined under this
6 subsection. The adjustment may not exceed three percent for any year. The State Court Adminis-
7 trator shall round the adjusted limitation amount to the nearest \$100, but the unrounded amount
8 shall be used to calculate the adjustments to the limitations in subsequent calendar years. The ad-
9 justed limitation becomes effective on July 1 of the year in which the adjustment is made, and ap-
10 plies to all causes of action arising on or after July 1 of that year and before July 1 of the
11 subsequent year.

12 **SECTION 4. The amendments to ORS 30.271, 30.272 and 30.273 by sections 1 to 3 of this**
13 **2019 Act apply to determinations and adjustments made on or after January 1, 2019.**

14 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
16 **on its passage.**

17