

SB 813 A STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/13/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Exc: 1 - Heard
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 4/7, 4/12, 4/13

WHAT THE MEASURE DOES:

Modifies statute of limitation provisions of Section 7 of House Bill 4212 (First Special Session, 2020) to clarify that extensions of time to commence an action or give notice of a claim due to COVID-19 emergency applies to time periods expiring on or after March 8, 2020, on or before the date 90 days after the declaration of the state of emergency issued on March 8, 2020 is no longer in effect, or during the time in which any other COVID-19 declaration of a state of emergency is in effect. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Provisions of House Bill 4212 (First Special Session, 2020)
- Conflicting interpretations in state and federal court over when time period is extended due to COVID-19 emergency
- Goal to clarify legislature's intention to include claims that would have expired during Governor's declared state of emergency beginning March 8, 2020

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

On March 8, 2020, the Governor declared an emergency due to the COVID-19 pandemic. The Chief Justice of the Oregon Supreme Court ordered most court proceedings and jury trials be postponed. During the First Special Session of 2020, House Bill 4212 made several changes and additions to Oregon laws in response to the COVID-19 pandemic, among them, a postponement of the statute of limitations for claims that would have expired during the time of the COVID-19 emergency order. In recent weeks, conflicting opinions on the applicable date at which the extension of the time period for expiration begin have emerged from the federal and state courts.

Senate Bill 813 A clarifies that the extension of time to commence an action applies to claims or notices that would have expired on or after March 8, 2020, and through the duration of the COVID-19 pandemic and any subsequent states of emergency due to COVID-19.