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Testimony of Arthur Towers, OTLA Political Director
In Support of SB 193-A
Before the House Committee on Rules
May 25, 2021

Chair Smith Warner, Vice-Chairs Holvey and Drazan, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 193-A. The bill removes statutory provisions found unconstitutional by the U.S. Supreme Court and the Oregon Supreme Court.

These unconstitutional provisions include:

- a. the compensation cap on damages in private sector injury cases
- b. guilty verdicts rendered by non-unanimous juries.

In regard to the compensation cap in injury cases, the legislature has heard testimony in prior sessions from victims of child sex abuse, racial discrimination, sexual assault, medical negligence, and injuries from defective equipment. These are the sorts of Oregonians whose rights will be protected going forward.

The Oregon Supreme Court was emphatic and clear in the *Busch* ruling from 2020:

“We conclude that application of ORS 31.710(1), as a limit on the noneconomic damages that a court can award to a plaintiff, violates Article 1 Section 10 [of the Oregon Constitution.]”

In 2019, the Oregon House passed HB 2014, which would have achieved the same result as the passage of SB 193-A in terms of the cap on non-economic damages.

The effective date language regarding the injury cap in Section 2 on page 2 of the bill clarifies that cases that have reached a final judgement or settlement will be unaffected.

We urge a YES vote on SB 193-A.