

# D R A F T

## SUMMARY

Increases \$500,000 limit on noneconomic damages recoverable in wrongful death actions and other statutorily created causes of action to \$1.5 million.

Directs State Court Administrator to annually adjust limit on noneconomic damages, beginning in 2017. Specifies method by which administrator must make adjustment.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to noneconomic damages; creating new provisions; amending ORS  
3 31.710; and declaring an emergency.

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

5 **SECTION 1.** ORS 31.710 is amended to read:

6 31.710. (1) Except for claims subject to ORS 30.260 to 30.300 and ORS  
7 chapter 656, in any civil action seeking damages arising out of bodily injury,  
8 including emotional injury or distress, death or property damage of any one  
9 person including claims for loss of care, comfort, companionship and society  
10 and loss of consortium, the amount awarded for noneconomic damages shall  
11 not exceed [*\$500,000*] **\$1.5 million.**

12 **(2) Beginning in 2017, and every year thereafter, the State Court**  
13 **Administrator shall determine the percentage increase or decrease in**  
14 **the cost of living for the previous calendar year, based on changes in**  
15 **the Portland-Salem, OR-WA Consumer Price Index for All Urban**  
16 **Consumers for All Items as published by the Bureau of Labor Statis-**  
17 **tics of the United States Department of Labor. On or before March 1**  
18 **of the year in which the State Court Administrator makes the deter-**

**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 **mination required by this subsection, the State Court Administrator**  
2 **shall adjust the limitation imposed under subsection (1) of this section**  
3 **by multiplying the limitation amount applicable to the year in which**  
4 **the adjustment is made by the percentage amount determined under**  
5 **this subsection. The State Court Administrator shall round the ad-**  
6 **justed limitation amount to the nearest \$100, but the unrounded**  
7 **amount shall be used to calculate the adjustment to the limitation in**  
8 **the following year. The adjusted limitation becomes effective on**  
9 **March 1 of the year in which the adjustment is made, and applies to**  
10 **all causes of action arising on or after March 1 of that year and before**  
11 **March 1 of the following year.**

12 [(2)] (3) As used in this section:

13 (a) "Economic damages" means objectively verifiable monetary losses in-  
14 cluding but not limited to reasonable charges necessarily incurred for med-  
15 ical, hospital, nursing and rehabilitative services and other health care  
16 services, burial and memorial expenses, loss of income and past and future  
17 impairment of earning capacity, reasonable and necessary expenses incurred  
18 for substitute domestic services, recurring loss to an estate, damage to rep-  
19 utation that is economically verifiable, reasonable and necessarily incurred  
20 costs due to loss of use of property and reasonable costs incurred for repair  
21 or for replacement of damaged property, whichever is less.

22 (b) "Noneconomic damages" means subjective, nonmonetary losses, in-  
23 cluding but not limited to pain, mental suffering, emotional distress, humil-  
24 iation, injury to reputation, loss of care, comfort, companionship and society,  
25 loss of consortium, inconvenience and interference with normal and usual  
26 activities apart from gainful employment.

27 [(3)] (4) This section does not apply to punitive damages.

28 [(4)] (5) The jury shall not be advised of the limitation set forth in this  
29 section.

30 **SECTION 2. (1) Except as provided in subsection (2) of this section,**  
31 **the amendments to ORS 31.710 by section 1 of this 2016 Act apply to**

1 all causes of actions, without regard to whether the cause of action  
2 arose before, on or after the effective date of this 2016 Act.

3 (2) The amendments to ORS 31.710 by section 1 of this 2016 Act do  
4 not apply to a cause of action for which a judgment was entered before  
5 the effective date of this 2016 Act.

6 SECTION 3. This 2016 Act being necessary for the immediate pres-  
7 ervation of the public peace, health and safety, an emergency is de-  
8 clared to exist, and this 2016 Act takes effect on its passage.

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