Chapter 17

2005 EDITION

Compromise; Settlement

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17.003 [Formerly 16.470; repealed by 1981 c.898 §53]

17.005 [Repealed by 1979 c.284 §199]

17.010 [Repealed by 1979 c.284 §199]

17.015 [Repealed by 1979 c.284 §199]

17.020 [Repealed by 1979 c.284 §199]

17.025 [Repealed by 1979 c.284 §199]

17.030 [Repealed by 1979 c.284 §199]

17.033 [1973 c.812 §5; repealed by 1979 c.284 §199]

17.035 [Repealed by 1979 c.284 §199]

17.040 [Amended by 1957 c.376 §1; repealed by 1979 c.284 §199]

17.045 [Amended by 1955 c.497 §5; 1957 c.376 §2; repealed by 1979 c.284 §199]

17.050 [Amended by 1969 c.388 §1; repealed by 1979 c.284 §199]

17.055 [Amended by 1975 c.512 §4; repealed by 1979 c.284 §199]

SETTLEMENT OR COMPROMISE WITH INJURED WORKER

17.065 Definitions for ORS 17.065 to 17.085. As used in ORS 17.065 to 17.085, unless the context requires otherwise:

(1) "Compromise" means an agreement to allow judgment to be given for a sum or value specified.

(2) "Employer" includes any agent or representative of an employer.

(3) "Release" means an agreement to abandon a claim or right to the person against whom the claim exists.

(4) "Settlement" means an agreement to accept as full and complete compensation for a claim a sum or value specified. [1975 c.512 §1; 1979 c.284 §49]

17.075 When settlement prohibited between employer and employee. (1) An employer whose interest is or may become adverse to that of an injured employee shall not, within 15 days from the date of the occurrence causing the employee's injury:

(a) Negotiate or attempt to negotiate a settlement or compromise with the injured employee;

(b) Obtain or attempt to obtain a general release of liability from the injured employee; or

(c) Obtain or attempt to obtain any statement, either written or oral from the injured employee.

(2) Subsection (1)(c) of this section does not apply to the extent that compliance with statutes or rules of federal or state agencies requiring reports of accidents and injuries necessitates obtaining an employee statement within the 15-day period following the date of the injury.

(3) Any settlement or compromise agreement entered into, any general release of liability or any written or oral statement made by any employee after the employee incurs a personal injury, that is not obtained in accordance with ORS 17.085, requiring notice, may be disavowed by the injured employee within 12 months following the date of the injury and such statement, release, compromise or settlement shall not be admissible evidence in any court action or administrative proceeding relating to the injury. [1975 c.512 §2; 2005 c.22 §5]

17.085 When settlement allowed. ORS 17.075 relating to settlements, compromises, releases and statements obtained by an employer whose interest is or may become adverse to an injured employee shall not apply, if at least five days prior to obtaining the settlement, compromise, release or statement, the injured employee has signified the willingness of the injured employee that a settlement, compromise, release or statement be given. [1975 c.512 §3]

SETTLEMENT OR COMPROMISE BY PUBLIC BODY

17.095 Prohibition of confidential settlements and compromises; exceptions. (1) A public body, or officer, employee or agent of a public body, who is a defendant in an action under ORS 30.260 to 30.300, or who is a defendant in an action under ORS 294.100, may not enter into any settlement or compromise of the action if the settlement or compromise requires that the terms or conditions of the settlement or compromise be confidential.

(2) Notwithstanding subsection (1) of this section:

(a) A public body, or officer, employee or agent of a public body, may enter into a settlement or compromise that requires the terms or conditions to be confidential if federal law requires terms or conditions of that settlement or compromise to be confidential. Only terms and conditions that are required to be confidential under federal law may be confidential in the settlement or compromise.

(b) A court may order that the terms or conditions of a settlement or compromise that reveal the identity of a person be confidential if:

(A) The person whose identity is revealed is a victim of sexual abuse or is under 18 years of age; and

(B) The court determines, by written findings, that the specific privacy interests of the person outweigh the public's interest in the terms or conditions.

(3) Any public body, or officer, employee or agent of a public body, who is a defendant in an action under ORS 30.260 to 30.300, or who is a defendant in an action under ORS 294.100, shall file with the court a full and

complete disclosure of the terms and conditions of any settlement or compromise of the claims against the public body, its officers, employees or agents. The disclosure shall be filed prior to the dismissal of the action.

(4) For the purposes of this section:

(a) "Action" means a legal proceeding that has been commenced as provided in ORCP 3; and

(b) "Public body" has that meaning given in ORS 30.260. [Formerly 30.402; 2005 c.352 §1]

Note: Section 3, chapter 352, Oregon Laws 2005, provides:

Sec. 3. The amendments to ORS 17.095 and 36.230 by sections 1 and 2 of this 2005 Act apply to actions and mediations commenced on or after the effective date of this 2005 Act [January 1, 2006]. [2005 c.352 §3]

17.100 [1989 c.465 §1; renumbered 31.825 in 2003]

17.105 [Repealed by 1979 c.284 §199]

17.110 [Repealed by 1979 c.284 §199]

17.115 [Amended by 1973 c.836 §315; repealed by 1979 c.284 §199]

17.120 [Repealed by 1979 c.284 §199]

17.125 [Repealed by 1979 c.284 §199]

17.130 [Amended by 1975 c.781 §5; 1977 c.262 §3; repealed by 1979 c.284 §199]

17.135 [Repealed by 1979 c.284 §199]

17.140 [Repealed by 1979 c.284 §199]

17.145 [Repealed by 1979 c.284 §199]

17.150 [Repealed by 1979 c.284 §199]

17.155 [Repealed by 1979 c.284 §199]

17.160 [Repealed by 1979 c.284 §199]

17.165 [Repealed by 1979 c.284 §199]

17.170 [Repealed by 1979 c.284 §199]

17.175 [Repealed by 1979 c.284 §199]

17.180 [Repealed by 1979 c.284 §199]

17.185 [Repealed by 1979 c.284 §199]

17.190 [1969 c.222 §1; repealed by 1979 c.284 §199]

17.205 [Repealed by 1979 c.284 §199]

17.210 [Repealed by 1979 c.284 §199]

17.215 [Repealed by 1979 c.284 §199]

17.220 [Repealed by 1979 c.284 §199]

17.225 [Amended by 1969 c.222 §2; repealed by 1979 c.284 §199]

17.230 [Renumbered 10.100]

17.235 [Repealed by 1979 c.284 §199]

17.240 [Repealed by 1979 c.284 §199]

17.245 [Repealed by 1979 c.284 §199]

17.250 [Amended by 1981 c.892 §85a; renumbered 10.095]

17.255 [Amended by 1965 c.534 §1; repealed by 1979 c.284 §199]

17.305 [Repealed by 1979 c.284 §199]

17.310 [Repealed by 1979 c.284 §199]

17.315 [Renumbered 10.077]

17.320 [Amended by 1977 c.357 §1; repealed by 1979 c.284 §199]

17.325 [Repealed by 1979 c.284 §199]

17.330 [Repealed by 1979 c.284 §199]

17.335 [Repealed by 1979 c.284 §199]

17.340 [Amended by 1959 c.638 §3; repealed by 1979 c.284 §199]

17.345 [Repealed by 1979 c.284 §199]

17.350 [Repealed by 1979 c.284 §199]

17.355 [Amended by 1975 c.279 §1; repealed by 1979 c.284 §199]

17.360 [Repealed by 1979 c.284 §199]

17.405 [Repealed by 1979 c.284 §199]

17.410 [Repealed by 1979 c.284 §199]

17.415 [Repealed by 1979 c.284 §199]

17.420 [Repealed by 1979 c.284 §199]

17.425 [Repealed by 1979 c.284 §199]

17.430 [Amended by 1953 c.580 §2; 1959 c.558 §28; 1959 c.638 §4; repealed by 1965 c.177 §1 (17.431 enacted in lieu of 17.430)]

17.431 [1965 c.177 §2 (enacted in lieu of 17.430); repealed by 1979 c.284 §199]

17.435 [Amended by 1965 c.177 §3; repealed by 1979 c.284 §199]

17.440 [Repealed by 1965 c.177 §4 (17.441 enacted in lieu of 17.440)]

17.441 [1965 c.177 §5 (enacted in lieu of 17.440); repealed by 1979 c.284 §199]

17.505 [Amended by 1977 c.357 §2; repealed by 1979 c.284 §199]

17.510 [Amended by 1977 c.357 §3; repealed by 1979 c.284 §199]

17.515 [Amended by 1971 c.565 §5; repealed by 1979 c.284 §199]

17.520 [Repealed by 1955 c.611 §13]

17.525 [Repealed by 1955 c.611 §13]

17.605 [Repealed by 1979 c.284 §199]

17.610 [Repealed by 1979 c.284 §199]

17.615 [Repealed by 1979 c.284 §199]

17.620 [Repealed by 1979 c.284 §199]

17.625 [Repealed by 1979 c.284 §199]

17.630 [Repealed by 1979 c.284 §199]

17.705 [Amended by 1965 c.391 §1; repealed by 1981 c.898 §53]

17.710 [Repealed by 1981 c.898 §53]

17.720 [Repealed by 1981 c.898 §53]

17.725 [Repealed by 1981 c.898 §53]

17.730 [Repealed by 1981 c.898 §53]

17.735 [Repealed by 1981 c.898 §53]

17.740 [Repealed by 1981 c.898 §53]

17.745 [Repealed by 1981 c.898 §53]

17.750 [Repealed by 1981 c.898 §53]

17.755 [Repealed by 1981 c.898 §53]

17.760 [Amended by 1959 c.638 §5; repealed by 1981 c.898 §53]

17.765 [Repealed by 1981 c.898 §53]

PENALTIES

17.990 Penalties. A person violating ORS 17.075 (1) commits a Class A violation. [1975 c.512 §5; 1999 c.1051 §146]