



SENATE MAJORITY OFFICE

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Senate approves bill to reform public entity liability

SB 311 raises liability limits for state and local government over seven years

SALEM – Legislation that raises caps on tort claims brought against the state and local governments passed out of the Oregon Senate this morning. SB 311 will increase compensation limits under the Oregon Tort Claims Act.

“This is good legislation that addresses a real problem for both public bodies and the public at large,” said Senator Floyd Prozanski (D-Eugene), chair of the Senate Judiciary Committee and co-chair of the Tort Claims Task Force. “The limits set today are reasonable, appropriate, and redress a long standing problem.”

SB 311 is a product of the Tort Claims Task Force that met over the 2008 interim in response to a Supreme Court decision in the case *Clarke v. OHSU*. That case highlighted what were deemed unacceptably low limits for public entity liability.

“It was apparent in 2008 after the Clarke ruling that the legislature needed to revisit public entity liability,” said Senate Majority Leader Richard Devlin (D-Tualatin). “The hard work of the Task Force has paid off with the legislation we’ve approved today. These are sensible increases that balance the needs of Oregonians and Oregon’s public bodies.”

The bipartisan task force included both members of the House and Senate as well as four public members representing stakeholder groups including OHSU, Oregon Trial Lawyers Association, local governments and consumers. Today’s bill also calls for convening a Tort Claims Task Force to meet in 2014 to revisit the issue of public entity liability.

“This bill is fair, this bill is just, and it rights a wrong that has been in our statutes for decades,” said Sen. Vicki Walker (D-Eugene), a member of the Tort Claims Task Force.

Under new caps in SB 311, limits for per claim liability for the State and OHSU will increase from \$200,000 to \$1.5 million and then by an additional \$100,000 per year for the next seven years. Liability per occurrence will increase from \$500,000 to \$3 million immediately and then by \$200,000 per year over the next seven years. SB 311 will now move to the House for consideration.

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