

## TORTS

SEE ALSO CONSTRUCTION LAW; CIVIL PROCEDURE

**PERSONAL INJURY PROTECTION AND  
UNINSURED MOTORIST COVERAGE****ORS 742.500 TO 742.506,  
742.524, 742.544****2015 OREGON LAWS CH. 005 (SB 411)**

Senate Bill 411 modifies the Oregon Insurance Code at ORS 742.500 to 742.506 and ORS 742.524 to prioritize recovery of personal injury protection damages by the policyholder and to provide the policyholder with larger amounts of uninsured/underinsured motorist protection benefits.

SB 411 reorders the subrogation of liens so that an injured motorist policyholder recovers all damages before reimbursement of personal injury protection (PIP) benefits to the insurer following obtaining a payment or benefit from the at-fault driver. The measure extends PIP benefit coverage from one year to two years following the date of injury.

Additionally, the measure modifies the calculation of uninsured or underinsured motorist protection insurance (UIM) so that it covers the maximum of both the policyholder's UIM policy limits and the at-fault driver's liability policy limits, should both be needed to cover the damages. Prior to enactment of SB 411, UIM insurance covered the difference between the policyholder's UIM policy limits and the at-fault driver's liability limits.

*Effective date: January 1, 2016. The amendments apply to motor vehicle liability policies that are issued or renewed on or after the effective date.*

**MINORITY TOLLING STATUTE****ORS 12.160****2015 OREGON LAWS CH. 510 (HB 2333)**

House Bill 2333 clarifies that Oregon's Minority Tolling Statute applies to claims brought under the Oregon Tort Claims Act. In 2007, HB 2366 amended the statute to bring the statutes of limitations (SOLs) for claims brought by parents of injured children in line with the SOLs for the claims of the children themselves. In so doing, the wording of the Minority Tolling Statute was subtly changed from referencing "actions mentioned in" to "actions that are subject to" various relevant statutes. This resulted in at least some courts concluding that the Minority Tolling Statute no longer applied to claims against the state because claims under the Tort Claims Act – having separate statutes of limitations – are not "subject to" the statutes listed.

HB 2333 corrects this unintended consequence by reverting to the pre-2007 phrasing of the statute.

*Effective date: June 22, 2015. The amendment applies to all causes of action arising on or after January 1, 2008. If the amendment revives a claim that was barred under ORS 12.160 immediately before the effective date, the person asserting the claim must commence the cause of action within the time prescribed for commencing the action under ORS 12.160, as amended by this bill, or within one year after the effective date, whichever is later.*

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**CLAIMS AGAINST STATE FOR WRONGFUL DEATH**  
**ORS 30.265**

**2015 OREGON LAWS CH. 419 (HB 2644)**

House Bill 2644 allows a claim against the state for wrongful death when the death occurred within the course and scope of the decedent's employment, the person responsible for the death is convicted of murder or found guilty except for insanity, and the decedent was not employed by a public body at the time of death.

*Effective date: June 16, 2015. The bill applies only to claims based on a crime of murder committed on or after May 1, 2012, and is repealed on January 2, 2017. If the bill revives a claim that was previously barred under ORS 30.265, the person asserting the claim must commence the action within one year after the effective date.*