

New Tort Liability Limits Against Public Bodies Effective July 1, 2010

2009 Or Laws ch 67, §§1-5 (Senate Bill 311) provides for new, higher limits for damages recoverable by those injured by a public body or its employees, officers, or agents in the course of their duties. The new laws also require the Office of the State Court Administrator (OSCA) to annually adjust some of the damages limitations, as described below.

Actions for Property Damage or Destruction

Pursuant to ORS 30.273(3), the OSCA has followed the required statutory methodology to calculate the annual adjustment to the limitations on liability of public bodies for property damage or destruction. Based on these calculations, the limitations are adjusted to \$100,100 for any single claimant and \$500,600 for all claimants, effective July 1, 2010, as required by ORS 30.273(3). The new limitations apply to all causes of action arising on or after July 1, 2010, and before July 1, 2011.

OSCA opened a public comment period on the proposed adjustments from April 30, 2010, to 5:00 p.m. on June 1, 2010. OSCA received no public comment on the adjustments. In compliance with statute, OSCA will make these adjustments annually.

Actions for Personal Injury and Death

Pursuant to ORS 30.271(4) and 30.272(4), OSCA will begin to make annual adjustments to the limitations on liability of public bodies for personal injury and death in 2015. Those statutes identify the annual adjustments to those

limitations through June 30, 2015. In actions for personal injury or death, the limitations applicable to the state are higher than those applicable to local public bodies. Pursuant to ORS 30.271(2) and (3), the limitations applicable to the state for personal injury and death are adjusted to \$1,600,000 for any single claimant and \$3,200,000 for all claimants. Pursuant to ORS 30.272(2) and (3), the limitations applicable to local public bodies for personal injury and death are adjusted to \$533,300 for any single claimant and \$1,066,700 for all claimants. These new limitations are effective July 1, 2010, and apply to all causes of action arising on or after July 1, 2010, and before July 1, 2011.

You can view a list of past and current limitations on liability of public bodies at http://courts.oregon.gov/OJD/docs/courts/circuit/Table_of_Liability_Limits.pdf.

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