

Tort Claims Act Damages Adjustments

In 2009, the legislature amended the Oregon Tort Claims Act to increase the amount of damages recoverable against state and local governments. Part of the bill directed the Office of the State Court Administrator (OSCA) to adjust the damage limits upward over the ensuing years.

The OSCA has followed the methodology based on the changes in cost of living identified in ORS 30.273(3) 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 \$104,300 for any single claimant and \$521,400 for all claimants. These new limitations became effective on July 1, 2012, and apply to all causes of action arising on or after July 1, 2012, and before July 1, 2013.

As a reminder, ORS 30.271 and 30.272 establish the annual adjustments to the limitations on liability of public bodies for personal injury and death. Pursuant to ORS 30.271(2) and (3), the limitations applicable to the state for personal injury and death are adjusted to \$1,800,000 for any single claimant and \$3,600,000 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 \$600,000 for any single claimant and \$1,200,000 for all claimants. These new limitations became effective on July 1, 2012, and apply to all causes of action arising on or after July 1, 2012, and before July 1, 2013.

A list of past and current limitations on liability of public bodies can be found on the Oregon Judicial Department website at:

http://courts.oregon.gov/OJD/courts/circuit/tort_claims_act.page?