

Senate Bill 355

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases time during which person can file action to preserve claim before running of statute of limitations and be exempt from claim for wrongful use of civil proceeding.

A BILL FOR AN ACT

1
2 Relating to civil proceedings; creating new provisions; and amending ORS 31.230.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 31.230 is amended to read:

5 31.230. (1) In order to bring a claim for wrongful use of a civil proceeding against another, a
6 person [*shall not be*] **is not** required to plead or prove special injury beyond the expense and other
7 consequences normally associated with defending against unfounded legal claims.

8 (2) The filing of a civil action **is not grounds for a claim for wrongful use of a civil pro-**
9 **ceeding under subsection (1) of this section if:**

10 (a) **The action is filed** within [60] **100** days [of] **before** the running of the statute of
11 limitations;

12 (b) **The action is filed** for the purpose of preserving and evaluating the claim [*when*]; **and**

13 (c) The action is dismissed within 120 days after the date of filing [*shall not constitute grounds*
14 *for a claim for wrongful use of a civil proceeding under subsection (1) of this section*].

15 (3) A claim for damages for wrongful use of a civil proceeding [*shall*] **must** be brought in an
16 original action after the proceeding which is the subject matter of the claim is concluded.

17 **SECTION 2. The amendments to ORS 31.230 by section 1 of this 2015 Act apply to actions**
18 **commenced on or after the effective date of this 2015 Act for the purpose of preserving and**
19 **evaluating a claim as described in ORS 31.230 (2).**
20

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.