

## HOUSE AMENDMENTS TO HOUSE BILL 3008

By COMMITTEE ON JUDICIARY

April 15

1 On page 1 of the printed bill, delete lines 26 through 28.

2 On page 2, delete lines 1 through 24 and insert:

3 **“SECTION 3. Court approval of settlement of personal injury claim or wrongful death**  
4 **claim.** (1) The parties to a personal injury claim or a wrongful death claim may enter into a  
5 settlement agreement, subject to the approval of the probate court, whether or not an action  
6 asserting the personal injury claim or the wrongful death claim has been commenced. The  
7 personal representative shall petition the probate court for approval of the proposed settle-  
8 ment. The petition need not state the amount of the proposed settlement.

9 **“(2) A petition to approve a settlement under this section must be accompanied by a**  
10 **declaration under penalty of perjury of the attorney for the personal representative in the**  
11 **personal injury claim or the wrongful death claim:**

12 **“(a) Stating whether the claim being settled is a personal injury claim or a wrongful**  
13 **death claim;**

14 **“(b) Describing the incident causing the injury or death;**

15 **“(c) Describing the injuries;**

16 **“(d) Stating the amount of the claim;**

17 **“(e) Stating the amount of the settlement;**

18 **“(f) Stating the amount of attorney fees and costs;**

19 **“(g) Stating the amount of payments or reimbursements owed under ORS 30.030 (3) and,**  
20 **in the case of a personal injury claim, under ORS 416.540;**

21 **“(h) Stating the amount of any personal representative fee attributable to a wrongful**  
22 **death claim;**

23 **“(i) Stating the reasons for the settlement and the efforts to maximize recovery;**

24 **“(j) Stating that the attorney has examined the applicable medical records; and**

25 **“(k) Explaining why it is appropriate to settle the case.”.**

26