

Oregon Revised Statutes

STARTING THE CLOCK:

§ 12.010. Time for commencements of actions.—Actions shall only be commenced within the periods prescribed in this chapter [12], after the cause of action shall have accrued [interpreted to incorporate the discovery rule], except where a different limitation is prescribed by statute.

§ 12.110. Assault, battery, false imprisonment, injuries to person or rights not arising on contract, fraud and deceit—

(1) An action for assault, battery, false imprisonment, or for any injury to the person or rights of another, not arising on contract, and not especially enumerated in this chapter, shall be commenced within two years; provided, that in an action at law based upon fraud or deceit, the limitation shall be deemed to commence only from the discovery of the fraud or deceit.

. . .

(4) An action to recover damages for injuries to the person arising from any medical, surgical or dental treatment, omission or operation shall be commenced within two years from the date when the injury is first discovered or in the exercise of reasonable care should have been discovered. However, notwithstanding the provisions of ORS 12.160 [on disability; *see infra*], every such action shall be commenced within five years from the date of the treatment, omission or operation upon which the action is based¹

TOLLING THE CLOCK:

§ 12.160. Persons under disability.—If, at the time the cause of action accrues, any person entitled to bring an action mentioned in ORS 12.010 to 12.050 [or] 12.070 to 12.250 . . . is within the age of 18 years or insane, the time of such disability shall not be a part of the time limited for the commencement of the action; but the period within which the action shall be brought shall not be extended more than five years by any such disability, nor shall it be extended in any case longer than one year after such disability ceases.

§ 12.170. Time disability must exist.—No person shall make use of a disability unless it existed when the right of action of the person accrued.

¹ This last part is really a statute of repose.

STATUTES OF REPOSE:

§ 12.115. Negligent injury to person or property.— . . . In no event shall any action for negligent injury to person or property of another be commenced more than 10 years from the date of the act or omission complained of.

§ 12.135. Action arising from construction, alteration or repair of improvement to real property . . .—(1) An action against a person, whether in contract, tort or otherwise, arising from such person having performed the construction, alteration or repair of any improvement to real property or the supervision or inspection thereof, . . . shall be commenced within the applicable period of limitation otherwise established by law; but in any event such action shall be commenced within 10 years from substantial completion or abandonment of such construction, alteration or repair of the improvement to real property.

EXTENDING THE LIMITATIONS PERIOD:

§ 12.117. Child abuse.—Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct that constitutes child abuse . . . accruing while the person who is entitled to bring the action is under 18 years of age shall be commenced not more than six years after that person attains 18 years of age, or if the injured person has not discovered the injury or the causal connection between the injury and the child abuse, nor in the exercise of reasonable care should have discovered the injury or the causal connection between the injury and the child abuse, not more than three years from the date the injured person discovers or in the exercise of reasonable care should have discovered the injury or the causal connection between the child abuse and the injury, whichever period is longer.

§ 12.190. Effect of death.—

- (1) If a person entitled to bring an action dies before the expiration of the time limited for its commencement, an action may be commenced by the personal representative of the person after the expiration of that time, and within one year after the death of the person.
- (2) If a person against whom an action may be brought dies before the expiration of the time limited for its commencement, an action may be commenced against the personal representative of the person after the expiration of that time, and within one year after the death of the person.

§ 12.195. Commencement of action after death of attorney.—Notwithstanding the time established by statute for the commencement of an action, a person must commence the action within 180 days after the death of an attorney for the person, or within the time established by statute for the commencement of the action, whichever is later [with some qualifications]