

## ***Oregon Personal Injury Statutes of Limitations***

It's been several months since your car was sitting at the traffic light on a rainy Portland afternoon, and you were hit from behind by a pickup truck. The pickup's driver admitted liability, and his insurance company paid for the damage to your car. Now, however, you're thinking of getting in touch with a [Portland personal injury attorney](#), as you've been suffering some bad side effects you're pretty certain were caused by the accident. But have you left it too late?

What if you were [injured in a bicycle accident](#), and you and your Portland personal injury attorney think the city has a case to answer for creating a dangerous bike intersection on a busy road? How long do you have before deciding to make a claim? Let's take an extreme case, and say your spouse/partner was [walking across the street](#) and was knocked down by a hit and run driver and left in a coma. If the worse comes to pass, how long do you have before you or your Portland personal injury attorney must file a claim?

Statutes of limitations in Oregon can be exceptionally tricky. A competent Portland personal injury attorney will advise you on the time constraints established under Oregon law that you will need to be aware of and abide by.

Every state sets its own [personal injury statute of limitations](#). Apart from Louisiana, Kentucky and Tennessee, all of which have a one-year limit on filing personal injury claims, Oregon ranks tied for the second shortest time limit to file, at two years. This compares with three years in neighboring Washington State, four years in Utah and Wyoming, five years in Missouri and no less than six years in Maine and North Dakota.

### ***Terms and conditions apply!***

“Discovery of harm” is a term which lends itself to stretching the statute of limitations, but only in very rare cases, and almost never in claims for injuries sustained in car, bike or pedestrian accidents. However, a competent Portland personal injury attorney could argue that if symptoms didn't begin to flare up until months after the accident, the statute of limitations should only begin from the moment the injured person knew, or should have been reasonably expected to know of the harm caused and the nature and source of that harm. Insurance companies would argue strongly, however, that anyone injured in a car accident should have known from the day of the accident, or certainly within a few days, of the nature of their injuries.

In Oregon, the statute of limitations for children is even less straightforward. ORS 12.160 steps you through the process for figuring out the statute of limitations. First, the regular statute of limitations—two years—applies. Second, the statute of limitations doesn't actually start running until the child turns 18 years old. But, third, the statute cannot be extended more than five years. And fourth, it cannot be extended beyond the child's 19th birthday. It would be right to think this is a legal minefield. If a child of, for example, 17 years and 10 months is injured, it would appear the statute of limitations decreases from two years to 14 months, as it cannot extend beyond the 19th birthday. On the other hand, if a 12-year-old is knocked off

their bike, does the statute start running when the child turns 18, or does it have to be when they're 17, since it cannot be extended more than five years? These laws are the very reason it's an excellent idea to hire a competent and experienced Portland personal injury attorney if you're thinking of making a claim.

Let's go back to the example of an adult taking a case against a city or state for creating a dangerous situation for cyclists. While the normal time limit for filing an Oregon injury lawsuit is two years, if a victim decides to sue an Oregon city or county for creating what appears to be a dangerous bike intersection, he or she must file a tort claim notice within 180 days of the incident. This time limit is strict, and failure to meet it would mean losing all rights to hold the city or county responsible for creating a dangerous situation. Hence, the statute of limitations has effectively been reduced in such cases from two years, to just less than six months.

Finally, let's take an example of someone who has been [injured or killed by a drunk driver](#). In Oregon, it's possible to take a lawsuit against the person or bar who served the driver alcohol. In these cases, however, the normal statute of limitations also goes by the wayside. There are strict time limits for filing such a lawsuit in Oregon. Where alcohol is involved, a Dram Shop Notice must be received by the server within 180 days of the incident, pursuant to ORS 471.565.

It's virtually impossible for a non-legal person to familiarize themselves with all the variations in Oregon statutes of limitations. In the event you or someone you know has been injured in a car, bike, pedestrian or hit and run accident, the first thing you should do is get the medical attention you need as a top priority. After that, your next step should be to find a good, reliable Portland personal injury attorney, who will guide you through the legal minefield and bring you out the other side.