# Chapter 17

## 1991 EDITION

# Compromise; Settlement


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CROSS REFERENCES

Performance of duties relating to administration of justice, enforcement by mandamus, 1.025

Procedure in tax court proceedings, 305.425

17.003 [Formerly 16.470; repealed by 1981 c.898 §53]

17.005 [Repealed by 1979 c.284 §199]

17.010 [Repealed by 1979 c.284 §199]

17.015 [Repealed by 1979 c.284 §199]

17.020 [Repealed by 1979 c.284 §199]

17.025 [Repealed by 1979 c.284 §199]

17.030 [Repealed by 1979 c.284 §199]

17.033 [1973 c.812 §5; repealed by 1979 c.284 §199]

17.035 [Repealed by 1979 c.284 §199]

17.040 [Amended by 1957 c.376 §1; repealed by 1979 c.284 §199]

17.045 [Amended by 1955 c.497 §5; 1957 c.376 §2; repealed by 1979 c.284 §199]

17.050 [Amended by 1969 c.388 §1; repealed by 1979 c.284 §199]

17.055 [Amended by 1975 c.512 §4; repealed by 1979 c.284 §199]

**17.065 Definitions for ORS 17.065 to 17.085.** As used in ORS 17.065 to 17.085, unless the context requires otherwise:

(1) "Compromise" means an agreement to allow judgment to be given for a sum or value specified.

(2) "Employer" includes any agent or representative of an employer.

(3) "Release" means an agreement to abandon a claim or right to the person against whom the claim exists.

(4) "Settlement" means an agreement to accept as full and complete compensation for a claim a sum or value specified. [1975 c.512 §1; 1979 c.284 §49]

**17.075 When settlement prohibited between employer and employee.** (1) An employer whose interest is or may become adverse to that of an injured employee shall not, within 15 days from the date of the occurrence causing the employee's injury:

(a) Negotiate or attempt to negotiate a settlement or compromise with the injured employee; or

(b) Obtain or attempt to obtain a general release of liability from the injured employee; or

(c) Obtain or attempt to obtain any statement, either written or oral from the injured employee.

(2) Paragraph (c) of subsection (1) of this section does not apply to the extent that compliance with statutes or rules of federal or state agencies requiring reports of accidents and injuries necessitates obtaining an employee statement within the 15-day period following the date of the injury.

(3) Any settlement or compromise agreement entered into, any general release of liability or any written or oral statement made by any employee after the employee incurs a personal injury, which is not obtained in accordance with ORS 17.085, requiring notice, may be disavowed by the injured employee within 12 months following the date of the injury and such statement, release, compromise or settlement shall not be admissible evidence in any court action or administrative proceeding relating to the injury. [1975 c.512 §2]

**17.085 When settlement allowed.** ORS 17.075 relating to settlements, compromises, releases and statements obtained by an employer whose interest is or may become adverse to an injured employee shall not apply, if at least five days prior to obtaining the settlement, compromise, release or statement, the injured employee has signified the willingness of the injured employee that a settlement, compromise, release or statement be given. [1975 c.512 §3]

**17.100 Assignment of cause of action against insurer.** A defendant in a tort action against whom a judgment has been rendered may assign any cause of action that defendant has against the defendant's insurer as a result of the judgment to the plaintiff in whose favor the judgment has been entered. That assignment and any release or covenant given for the assignment shall not extinguish the cause of action against the insurer unless the assignment specifically so provides. [1989 c.465 §1]

17.105 [Repealed by 1979 c.284 §199]

17.110 [Repealed by 1979 c.284 §199]

17.115 [Amended by 1973 c.836 §315; repealed by 1979 c.284 §199]

17.120 [Repealed by 1979 c.284 §199]

17.125 [Repealed by 1979 c.284 §199]

17.130 [Amended by 1975 c.781 §5; 1977 c.262 §3; repealed by 1979 c.284 §199]

17.135 [Repealed by 1979 c.284 §199]

17.140 [Repealed by 1979 c.284 §199]

17.145 [Repealed by 1979 c.284 §199]

17.150 [Repealed by 1979 c.284 §199]

17.155 [Repealed by 1979 c.284 §199]

17.160 [Repealed by 1979 c.284 §199]

17.165 [Repealed by 1979 c.284 §199]

17.170 [Repealed by 1979 c.284 §199]

17.175 [Repealed by 1979 c.284 §199]

17.180 [Repealed by 1979 c.284 §199]

17.185 [Repealed by 1979 c.284 §199]

17.190 [1969 c.222 §1; repealed by 1979 c.284 §199]

17.205 [Repealed by 1979 c.284 §199]

17.210 [Repealed by 1979 c.284 §199]

17.215 [Repealed by 1979 c.284 §199]

17.220 [Repealed by 1979 c.284 §199]

17.225 [Amended by 1969 c.222 §2; repealed by 1979 c.284 §199]

17.230 [Renumbered 10.100]

17.235 [Repealed by 1979 c.284 §199]

17.240 [Repealed by 1979 c.284 §199]

17.245 [Repealed by 1979 c.284 §199]

**17.250** [Amended by 1981 c.892 §85a; renumbered 10.095]

**17.255** [Amended by 1965 c.534 §1; repealed by 1979 c.284 §199]

**17.305** [Repealed by 1979 c.284 §199]

**17.310** [Repealed by 1979 c.284 §199]

**17.315** [Renumbered 10.077]

**17.320** [Amended by 1977 c.357 §1; repealed by 1979 c.284 §199]

**17.325** [Repealed by 1979 c.284 §199]

**17.330** [Repealed by 1979 c.284 §199]

**17.335** [Repealed by 1979 c.284 §199]

**17.340** [Amended by 1959 c.638 §3; repealed by 1979 c.284 §199]

**17.345** [Repealed by 1979 c.284 §199]

**17.350** [Repealed by 1979 c.284 §199]

**17.355** [Amended by 1975 c.279 §1; repealed by 1979 c.284 §199]

**17.360** [Repealed by 1979 c.284 §199]

**17.405** [Repealed by 1979 c.284 §199]

**17.410** [Repealed by 1979 c.284 §199]

**17.415** [Repealed by 1979 c.284 §199]

**17.420** [Repealed by 1979 c.284 §199]

**17.425** [Repealed by 1979 c.284 §199]

**17.430** [Amended by 1953 c.580 §2; 1959 c.558 §28; 1959 c.638 §4; repealed by 1965 c.177 §1 (17.431 enacted in lieu of 17.430)]

**17.431** [1965 c.177 §2 (enacted in lieu of 17.430); repealed by 1979 c.284 §199]

**17.435** [Amended by 1965 c.177 §3; repealed by 1979 c 284 §199]

**17.440** [Repealed by 1965 c.177 §4 (17.441 enacted in lieu of 17.440)]

**17.441** [1965 c.177 §5 (enacted in lieu of 17.440); repealed by 1979 c.284 §199]

**17.505** [Amended by 1977 c.357 §2; repealed by 1979 c.284 §199]

**17.510** [Amended by 1977 c.357 §3; repealed by 1979 c.284 §199]

**17.515** [Amended by 1971 c.565 §5; repealed by 1979 c.284 §199]

**17.520** [Repealed by 1955 c.611 §13]

**17.525** [Repealed by 1955 c.611 §13]

**17.605** [Repealed by 1979 c.284 §199]

**17.610** [Repealed by 1979 c.284 §199]

**17.615** [Repealed by 1979 c.284 §199]

**17.620** [Repealed by 1979 c.284 §199]

**17.625** [Repealed by 1979 c.284 §199]

**17.630** [Repealed by 1979 c.284 §199]

**17.705** [Amended by 1965 c.391 §1; repealed by 1981 c.898 §53]

**17.710** [Repealed by 1981 c.898 §53]

**17.720** [Repealed by 1981 c.898 §53]

**17.725** [Repealed by 1981 c.898 §53]

**17.730** [Repealed by 1981 c.898 §53]

**17.735** [Repealed by 1981 c.898 §53]

**17.740** [Repealed by 1981 c.898 §53]

**17.745** [Repealed by 1981 c.898 §53]

**17.750** [Repealed by 1981 c.898 §53]

**17.755** [Repealed by 1981 c.898 §53]

**17.760** [Amended by 1959 c.638 §5; repealed by 1981 c.898 §53]

**17.765** [Repealed by 1981 c.898 §53]

**17.990 Penalties.** A person willfully violating ORS 17.075 (1) shall upon conviction be fined not more than $1,000. [1975 c.512 §5]

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