

**Comments on Application of Time limitations pertaining to the
Oregon Revised Uniform Arbitration Act (ORS 36.600–36.740) and
Oregon’s mandatory court arbitration**

§ 2.15 CONFLICT OF LAWS

§ 2.15A Statute of Limitations

The statute of limitations in a conflict-of-laws situation is governed by the Uniform Conflict of Laws-Limitations Act, ORS 12.410 to 12.480 (UCLLA).

The UCLLA applies to claims accruing after January 1, 1988, or asserted in a civil action or proceeding more than one year after January 1, 1988. ORS 12.460(1)–(2). The UCLLA does not revive a claim barred before January 1, 1988. ORS 12.460(2).

See § 2.15B (application of the UCLLA).

§ 2.15B Application of the UCLLA

The Uniform Conflict of Laws-Limitations Act (UCLLA), ORS 12.410 to 12.480, requires application of the statute of limitations that corresponds to the substantive law forming the basis of the plaintiff’s claim. ORS 12.430; *Spirit Partners, LP v. Stoel Rives LLP*, 212 Or App 295, 301, 157 P3d 1194 (2007).

“The threshold question in a choice-of-law problem is whether the laws of the different states actually conflict.” *Spirit Partners, LP*, 212 Or App at 301. If a conflict exists between the competing states’ laws, the court then considers “which state has the most significant relationship to the parties and the transaction.” *Spirit Partners, LP*, 212 Or App at 304 (quoting *Stricklin v. Soued*, 147 Or App 399, 404, 936 P2d 398, *rev den*, 326 Or 58 (1997)). The law of the state with the most significant relationship to the parties and the transaction will be applied unless the interests of Oregon are so important that the court determines that it should not apply the law of another state. *Spirit Partners, LP*, 212 Or App at 304; *accord Straight Grain Builders v. Track N’ Trail*, 93 Or App 86, 91–92, 760 P2d 1350, *rev den*, 307 Or 246 (1988) (“the public policy of Oregon should prevail when the interests of neither jurisdiction are clearly more important than those of the other”).

“If the statute of limitations of another state applies to the assertion of a claim in this state, the other state’s relevant statutes and other rules of law govern-

ing tolling and accrual apply in computing the limitations period.” ORS 12.440. However, the other state’s statutes and other rules of law governing conflict of laws do not apply. ORS 12.440.

If the court determines that the limitations period of another state applicable under ORS 12.430 and ORS 12.440 is substantially different from the Oregon limitations period, and that difference has not afforded the claimant a fair opportunity to sue on the claim or imposes an unfair burden in defending against the claim, the Oregon limitations period applies. ORS 12.450. *See CACV of Colorado, LLC v. Stevens*, 248 Or App 624, 639–40, 274 P3d 859, *rev den*, 352 Or 377 (2012); *Unifund CCR Partners v. Deboer*, 249 Or App 136, 138, 277 P3d 562, *rev den*, 352 Or 378 (2012).