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To: Chairman Holvey and members of the House Committee on Consumer Protection and Government Efficiency

From: Tom D'Amore, Past-President , Oregon Trial Lawyers Association

**On behalf of injured consumers injured in car crashes by negligent drivers, vote YES on HB 2821.**

Chairman Holvey and members of the Committee, I am Tom D'Amore, Past-President of the Oregon Trial Lawyers Association and Oregon Governor of our national association, the American Association for Justice. I am also a former Certified Public Accountant.

For simplicity sake, I often represent injured persons and their families against negligent drivers and the driver's insurance company. I have represented injured clients for over 20 years, and I am licensed in Oregon, Washington and California. Thus, I handle cases under a variety of different state insurance laws. I have detailed knowledge of Oregon's Personal Injury Protection (PIP) law and its practical and financial implications on injured consumers.

HB 2821 does two things. First, and less controversial, HB 2821 provides benefits to injured consumers for a maximum of two years rather than one. Thus, this change would assist a small subset of seriously injured consumers and would have a negligible effect on insurance rates, if any. Most injured victims either 1) complete treatment before one year, or 2) have medical expenses exceeding the PIP minimum policy limit of \$15,000. HB 2821 would allow the more seriously injured needing treatment beyond the one year AND having benefits available to treat for their injuries beyond the one year, but not to exceed 2 years.

Second, HB 2821 allows for reimbursement to the injured victim's auto insurance company only after the injured victims losses have been paid in full. HB 2821 would change current law so that the injured victim would get the full benefit of his or her insurance premiums first before the insurance company gets reimbursed. If there is not enough insurance to pay for all the victim's losses and reimburse the PIP insurer, then the PIP insurer may not get reimbursed in full. Thus, HB 2821 makes the injured victim the primary recipient of full benefits rather than the PIP insurer. If there is enough insurance available to pay for all of the victim's losses, then the PIP insurer is reimbursed. Thus, HB 2821 provides protection to the injured victim in the subset of cases where there is not enough insurance to pay for all the victim's losses.

HB 2821 takes the more prudent approach of 1) helping the innocent injured victim who is most in need first rather than first reimbursing the PIP insurer, and 2) giving the injured victim the full benefit of the premiums he or she paid for.

**Please Vote YES on HB 2821**