

**PROPOSED AMENDMENTS TO
HOUSE BILL 2241**

1 On page 1 of the printed bill, line 2, after “ORS” insert “731.256,”.

2 On page 9, after line 10, insert:

3 **“SECTION 14a.** ORS 731.256 is amended to read:

4 “731.256. (1) The Director of the Department of Consumer and Business
5 Services may institute [*such*] actions or other lawful proceedings [*as*] **that**
6 the director [*may deem*] **deems** necessary [*for the enforcement of any*] **to**
7 **enforce a** provision of the Insurance Code or any order or action [*made or*
8 *taken by the director*] **the director makes or takes** in pursuance of law.

9 **“(2) As part of or in addition to any action or proceeding the di-**
10 **rector institutes against an insurer under subsection (1) of this sec-**
11 **tion, the director may:**

12 **“(a) Seek restitution on a consumer’s behalf for actual damages the**
13 **consumer suffers as a result of the insurer’s violation of a provision**
14 **of the Insurance Code or applicable federal law or the insurer’s breach**
15 **of an insurance contract or policy the insurer has with the consumer;**
16 **and**

17 **“(b) Seek other equitable relief the director deems appropriate un-**
18 **der the circumstances.**

19 “[*(2)*] **(3)** If the director has reason to believe that [*any*] a person has vi-
20 olated [*any*] a provision of the Insurance Code or [*other*] **another** law [*ap-*
21 *plicable*] **that applies** to insurance operations, [*for which*] **and if the**
22 **violation is subject to** criminal prosecution [*is provided*] and in the opinion

1 of the director [*would be in order*] **criminal prosecution is warranted**, the
2 director shall give the information [*relative thereto*] **about the violation** to
3 the Attorney General or district attorney [*having*] **that has** jurisdiction [*of*
4 *any such*] **over the** violation. The Attorney General or district attorney
5 promptly shall institute [*such*] **an** action or [*proceedings*] **a proceeding**
6 against [*such*] **the** person as the information requires or justifies.

7 “(4) **An action or proceeding that the director institutes under**
8 **subsection (1) of this section is an exercise of the director’s regulatory**
9 **authority and, except as otherwise provided in subsection (3) of this**
10 **section, does not create a cause of action for any other person.”.**

11 On page 31, line 7, after “ORS” insert “731.256,”.

12 In line 9, delete “15” and insert “14a”.

13 In line 14, after “ORS” insert “731.256,”.

14 In line 16, delete “15” and insert “14a”.

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