

REVENUE: No revenue impact

FISCAL: No fiscal impact

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	11 - 0 - 0
<b>Yeas:</b>	Barton, Fagan, Freeman, Holvey, Kennemer, Matthews, Thatcher, Thompson, Weidner, Witt, Doherty
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jan Nordlund, Administrator
<b>Meeting Dates:</b>	2/12

---

**WHAT THE MEASURE DOES:** Stipulates that electronic record that provides or delivers a notice, offer, disclosure, document, form, correspondence, information or other communication required or permitted under the Oregon insurance laws satisfies requirements for provision or availability to consumer in writing. Provides that if proof of mailing of notice is sufficient proof of notice, the confirmation of electronic delivery is sufficient proof of notice. Allows oral communication, or the recording of, to qualify as a notice or document delivered by electronic means as long as the insurer can reliably store and reproduce the oral communication or the recording of the oral communication. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Consumer must opt-in to receive electronic records instead of written documents
- Allowing customer to opt-in over the phone

**EFFECT OF COMMITTEE AMENDMENT:** Allows oral communication, or the recording of, to qualify as a notice or document delivered by electronic means as long as the insurer can reliably store and reproduce the oral communication or the recording of the oral communication.

**BACKGROUND:** Under current statute governing the consent to use electronic records in consumer transactions, an electronic record that provides or delivers notice of cancellation or termination of insurance (except health insurance or benefits, or life insurance benefits) satisfies the requirement that the information be provided to the consumer in writing if the insurance company sends the notice with a request for a return receipt and the company receives the return receipt. In the case that the return receipt is not received by the insurance company, the insurance can only be cancelled or terminated after providing the notice in writing.

House Bill 4052-A expands the types of documents required or permitted under Oregon insurance laws that can be sent electronically. It also stipulates that if proof of mailing is sufficient notice, then confirmation of electronic delivery is sufficient proof of notice. As already exists under current statute, the consumer must first affirmatively consent to receive electronic records.