PRELIMINARY STAFF MEASURE SUMMARY   CARRIER:

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued
FISCAL: May have fiscal impact, statement not yet issued
SUBSEQUENT REFERRAL TO:

Action:
Vote:
       Yeas:
       Nays:
       Exc.:
Prepared By: Channa Newell, Counsel
Meeting Dates: 3/16

WHAT THE MEASURE DOES: Makes insurance claims actionable under Unlawful Trade Practices Act. Includes "insurance" within definition of "real estate, goods or services." Specifies violation of Unfair Claims Settlement Practices statute is unlawful practice. Excludes conduct for which Residential Land Lord and Tenant Act provides remedy. Specifies court may grant equitable relief. Defines "person." Relocates language on close connection with sale of manufactured dwelling. Declares emergency; effective on passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) amendments excludes insurance producers licensed under ORS chapter 744 from provisions of measure.
Proposed (-4) amendments clarify exclusion for conduct covered under Residential Landlord Tenant Chapter.
Proposed (-5) amendments limit ability to bring action against insurer for act or omission to person insured.
Proposed (-7) amendments excludes workers' compensation insurance and settlement of workers' compensation claims from provisions of measure.

BACKGROUND: The Unlawful Trade Practices Act (UTPA) was enacted by the Oregon Legislature in 1971. The UTPA defines and prohibits various unfair and deceptive trade practices, giving the Attorney General, district attorneys, and in some instances, private citizens the right to sue for violations of the Act. Currently, insurance trade practices are regulated in ORS chapter 746 and are not subject to the UTPA.

Senate Bill 314 adds insurance to the definition of "real estate, goods or services," thereby bringing insurance claims within the UTPA. The measure also makes violations of the Unfair Claims Settlement Practices actionable under the UTPA.

This summary has not been adopted or officially endorsed by action of the committee.
Committee Services Form – 2015 Regular Session