

# **OREGON TRIAL LAWYERS ASSOCIATION**

**319 SW Washington Street, #607**

**Portland, OR 97204**

**[www.oregontriallawyers.org](http://www.oregontriallawyers.org)**

**503-799-1017**

**Testimony in Support of HB 2858  
Before the House Committee on Business and Labor  
Arthur Towers  
March 15, 2017**

Thank you for the opportunity to testify today. We support HB 2858 as an important step towards protecting Oregon businesses and individuals who purchase insurance.

HB2858 establishes efficient procedures for DCBS to help consumers who feel they have been defrauded by their insurance company. The bill also takes the important step of setting a timeline for DCBS action on a consumer complaint.

HB 2868 also is an important tool for government transparency. The bill encourages communication between the agency and the consumer. This heightens requirements for DCBS to report data, but more importantly it gives DCBS the incentive to establish a culture of consumer engagement that could be very very healthy.

The bill also allows the agency to be involved in negotiations to settle complaints and to enter into settlement agreements remedy the violations – and HB 2868 allows consumers to be involved in the process.

If all else fails, then the consumer have his or her day in court to try to convince a jury they have been mistreated by their insurance company.

The right to a trial by jury is a bedrock of democracy. While this bill requires a defrauded consumer to wait a year while DCBS seeks to come to terms, the consumer still gets a shot to convince a jury. These cases are often reminiscent of David v. Goliath Mutual of the Valley of Elah, but at least the opportunity exists to hold bad actors in the insurance industry accountable.

We urge a yes vote on HB 2858.