May 8, 2017

Oregon Progressive Party Position on Bill at 2017 Session of Oregon Legislature:

SB 974 A: Oppose

Dear Committee:

The Oregon Progressive Party opposes this bill, due to its wildly overbroad liability limitation for dealers of certain vehicles.

The bill (p. 2, lines 24-27) states:

> (4) Notwithstanding subsections (2) and (3) of this section, a person other than a retail customer of the dealer may not make a claim relating to a vehicle described in subsection (1)(c)(A) of this section against a vehicle dealer, against the surety on the vehicle dealer's bond or against the letter of credit.

This establishes immunity for every dealer against any claim by anyone, other than a retail customer of the dealer, relating to "a vehicle described in subsection (1)(c)(A) of this section." Those include "motorcycles, mopeds, Class I all-terrain vehicles or snowmobiles." Note that this immunity applies to <u>any claim</u> relating to such vehicle "against a vehicle dealer." That is a wildly overbroad immunity.

Say a dealer drives a motorcycle down the street and severely injures a person by running her over. The victim files a lawsuit against the dealer. SB 794 A would shield the dealer from liability, because it would be "a claim relating to a vehicle described in subsection (1)(c)(A) of this section," and the victim is not "a retail customer of the dealer."

Or say the dealer alters one of the vehicles and then sells it to Frank. Frank parks it in Mary's garage. Because of the alteration, it catches fire and burns down her house. Again, SB 794 A would shield the dealer from liability, because it would be "a claim relating to a vehicle described in subsection (1)(c)(A) of this section," and Mary is not "a retail customer of the dealer."

The subsection (4) reproduced above needs to be removed from the bill.

Oregon Progressive Party

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