

# OREGON TRIAL LAWYERS ASSOCIATION

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Testimony of Arthur Towers

OTLA Political Director

**In Opposition to SB 848**

Before the Senate Committee on Judiciary

March 1, 2023

Chair Prozanski, Vice-Chair Thatcher, and members of the committee, thank you for the opportunity to submit testimony in opposition to SB 848.

Our members represent homeowners and homeowners' associations that are negatively impacted by construction and design defects. Our members also represent motorists, pedestrians, and cyclists who are harmed by the defective design of roadways and intersections.

We concur with opponents of this legislation that the proposed change in SB 848 constitutes an unfair shifting of the legal burden. SB 848 would make it more difficult for those harmed by construction and design defects to get justice and closure in their cases.

SB 848 would draw out litigation and negotiations in a way that grants special privileges to design professionals. For harmed individuals, justice delayed is justice denied. Unnecessary delays put financial pressure on those who are in need of compensation to rectify the harm. We are concerned that that would be an unintended consequence of the legislation.

The proponents of the legislation have repeatedly expressed their frustration with the insurance industry's unwillingness to provide coverage that would alleviate the issues the proponents raise. This is yet another bill that seeks to solve an insurance problem by infringing on the ability of people who have suffered harm from being compensated.

We have been part of multi-year negotiations on this topic. We worked in collaboration with other stakeholders to put forth a compromise that proponents

unfortunately could not agree to. This session we met with proponents separately to see if there are changes that could get OTLA to neutral. We appreciate the willingness of all parties to engage in discussions. We look forward to continued conversations to see if there is a path forward, but in its current form, we urge a NO vote on SB 848.