

February 24, 2021

Testimony of Kyle Birmingham In Support of HB 2393

Chair Holvey and members of the House Committee on Business & Labor, my name is Kyle Birmingham. I was raised in Clackamas and enjoyed living there with my family for many years. In September 2017, I was injured in an accident while riding as an UBER passenger and my whole life instantly changed. After the crash, I lost my family home.

I spent the last 2 years of my 20's in and out of surgeries with mounting medical bills and no financial relief. And this is why I urge you to make Transportation Network Companies have mandated coverage for personal injury protection benefits (PIP) when one of their vehicles is involved in a collision. I don't want any other Oregonian to go through what I've experienced. It's was the worst two years of my life.

Before the accident occurred, I worked as an independent contractor, making my living as a language translator and interpreter, specializing in medical and hospital setting translation services. I speak three Spanish dialects, Maya, German and Mandarin Chinese. Due to the nature of my work I'm often called in on an emergency basis by area hospitals when they encounter an injured person who is unable to communicate in English. Because I have impaired vision and can't operate a car on my own, I have to rely on individualized rides through UBER, Lyft or by a taxi.

The morning of September 7th, 2017, I was called in at about 6am to get to Good Samaritan Hospital as quickly as I could. I remember the UBER driver going his own route and not listening to his GPS. Then came the deafening screech behind my driver's car, followed by the indescribable impact of a large Dodge Ram slamming us from behind. I remember the driver pleading with me not to report the accident – but I was in shock and went into atrial fibrillation. I told the driver I had to report what happened and got myself into Good Sam to find some aspirin as quickly as I could. The nurse took one look at me and told me to go straight to the ER. I was tensing up as the medical staff immediately addressed the AFib. They ran many tests and determined I did have whiplash but no bleeding on the brain, thankfully. My knee was in a lot of pain, but I didn't realize at that point what was ahead.

My greatest shock, next to the accident itself, was when I learned that no PIP benefits were available to me because I was riding in an UBER. This absolutely blew my mind. I had zero access to the \$15,000 in up-front medical coverage that a regular driver has to carry and was staring down multiple MCL, ACL and Meniscus surgeries so I could walk again. No PIP also meant no up-front wage reimbursement checks. During that time, I could not work, had no income, no PIP to pay my medical bills, nothing. This accident snowballed into an ongoing scenario of devastating loss. Both financial and emotional.

To me, it makes no sense that just because I was riding in an UBER, I was denied the basic medical bill and wage reimbursement protections that everybody else on the road has. I did not even have the money to hire an UBER to get to the critical medical appointments that I had no way to pay for. Eventually, I had no choice but to go on the Oregon Health Plan so that I could get at least some of the medical care I needed.

Before the accident, I was living at home, supporting my parents and paying the household bills. After the accident, we banded together financially as best we could. I'm lucky I had that support. And that's what gets me – what if this has been a single parent? What would happen in that case?

I honestly don't want any other citizen to experience this. You can fix this and protect your constituents. I urge you to do so. Please close this obvious loophole in our laws. Thank you.