



March 9, 2023

Chair Paul Holvey
Vice-Chair Lucetta Elmer
Vice-Chair Nathan Sosa
Members of the House Committee on Business and Labor

Re: Please oppose HB 2008

Chair Holvey, Vice Chairs Elmer and Sosa, Members of the Committee:

On behalf of the Oregon Liability Coalition, I urge you to oppose HB 2008. The Oregon Liability Reform Coalition represents businesses and associations across a broad array of industries that share the goal of limiting the expansion of lawsuits. My specific concerns with HB 2008 are all related to Section 13 of the bill. The proponents stated that the intent of the bill was to align this statute with the UTPA, but I would argue it departs significantly from the UTPA with several of the provisions.

Section 13 does several things that are concerning from a liability perspective. First, in subsection 1, the bill increases statutory damages from \$200 per instance to \$1000, five times the current statutory damages. This is more concerning because of the addition of language in subsection 2 allowing for a class action lawsuit. The committee may recall testimony I've provided before about the unlawful trade practices act which has statutory damages of \$200 and resulted in a class action verdict of \$400 million dollars for a 35-cent charge that was deemed not to be appropriately displayed.

Given the extensive changes proposed in this statute, it does not seem appropriate to also expand statutory damages and allow for a class action when these businesses will be working to understand and comply with what appear to be fairly complicated requirements.

Section 13 also changes the attorney fees provision in statute and expands the statute of limitations to six years after discovery of the unlawful method instead of one year from the date of injury.

I would urge the committee to carefully consider these lawsuit provisions because, coupled with the extensive changes in the bill, I think this legislation could result in significant limitation of credit extended to Oregonians.

Please vote no on HB 2008.

Sincerely,

Fawn Barrie
Executive Director
Oregon Liability Reform Coalition