



OREGON DEPARTMENT OF JUSTICE

TO: House Committee on Commerce and Consumer Protection

FROM: Leslie Wu, Policy Advisor to Attorney General Rayfield, Oregon Department of Justice

DATE: 2/11/2025

SUBJECT: Testimony on HB 2128

The Department of Justice wishes to raise a technical concern about the language that appears in Section 3, subsection (7) of House Bill 2128. The bill adds certain actions in connection with marketing, offering, or selling travel insurance products to the Unlawful Trade Practices Act (“UTPA”) under ORS 646.608. However, Section 3(7) creates a heightened standard for proving certain consumer protection law violations that is not aligned with the proof typically required under the UTPA. The language sets the standard for proof at “fraudulent or criminal intent or other indications of fraud or crime” as opposed to the UTPA default of “willfully.” This heightened standard is an extremely unusual provision that will frustrate any effort to enforce the UTPA against such violations. Removal of Section 3(7) would better align the bill with the overall statutory structure and better ensure that consumers are able to benefit fully from the protections of the UTPA with respect to travel insurance. We look forward to working with the advocates to pursue such an amendment.

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