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77<sup>th</sup> LEGISLATIVE ASSEMBLY

2013 Session

HOUSE INTERIM COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

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## Legislative Drafts Considered for Committee Introduction

### **LC 1461 Relating to policies of personal insurance.**

- Prevents insurers from considering an individual's driving record when determining rates or whether to issue or renew a policy of personal insurance, except in specified circumstances when insurer can consider the abstract of an individual's nonemployment driving record.

### **LC 1592 Relating to unlawful trade practices.**

- Includes insurance in the definition of real estate, goods, and services that are subject to penalties for unlawful trade practices.
- Allows court to award equitable relief in addition to monetary damages.

### **LC 1766 Relating to technological capabilities required to secure smartphones from unauthorized use.**

- Requires smartphones sold in Oregon to include technological capability to render the phone's essential features inaccessible or inoperative.

### **LC 2160 Relating to criminal records checks.**

- Authorizes DAS to adopt rules related to finger print capture services
- Directs DAS to adopt rules establishing factors that must be considered when making fitness determinations and a process for appealing fitness determinations.
- Applies laws requiring the use of uniform rules for purposes of making fitness determinations to certain state agencies and other entities that currently are exempt.

### **LC 2209 Relating to payments accepted by the Department of Transportation.**

- Directs ODOT to accept credit card and debit cards for payment of taxes and fees for vehicle registration, titling, driver licenses, driver permits or ID cards.

### **LC 2216 Relating to debt collection practices.**

- Establishes requirements debt buyer must meet in order to bring legal action to collect debt.
- Specifies content of notice that debt buyer must give to debtor.
- Increases from \$200 to \$1,000 the amount of damages that may be awarded in action for unlawful debt collection.

- Permits court to award attorney fees and costs to prevailing plaintiff. Permits award to prevailing defendant only when plaintiff did not have objectively reasonable basis for bringing action.
- Increases from one year to two years the time period in which the debtor may bring action.

**LC 2290 Relating to charges for towing motor vehicles.**

- Requires cities of 15,000 or more to set maximum towing rates for tows that occur without the consent of the owner. Smaller cities can set maximum towing rates only if the county did not.

**LC 2321 Relating to regulation of student financial accounts.**

- Prohibits education institutions from entering into contract with student financial aid management firm unless contract meets certain requirements and unless contract is approved by the HECC.

**LC 2414 Relating to actions for unfair claim settlement practices.**

- Permits plaintiff to file an action against insurer for committing unfair claim settlement practice.
- Permits plaintiff to recover actual damages or \$200, whichever is greater. Permits court to enter judgment for three times amount of actual or statutory damages if person willfully committed unfair claim settlement practice and permits court to award reasonable attorney fees to prevailing plaintiff.

**LC 2572 Relating to personal injury protections for persons other than the insured in motor vehicle insurance policies.**

- Requires personal injury protection policy to include coverage for injury or death that person who operates or rides upon bicycle or other human-powered vehicle suffers as a result of insured vehicle striking person.

**LC 2630 Relating to the ratio of state agency public employees to supervisory employees.**

- Modifies law required state agencies to attain an 11:1 ratio of non-supervisory employees to supervisory employees.
- Requires report the Legislative Assembly describing actions taken to achieve required increases in ratio or explanation for why agency failed to achieve increase and a plan to attain an increase.
- Directs exempt agencies to report ratio to the Legislative Assembly.
- Allows state agency that increases ratio beyond statutory requirement to count increase toward future ratio increase requirement.
- Specified that ratio be calculated to a minimum of two decimal places.