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Senate Committee on Business and Transportation
Please Vote YES on Senate Bill 411 with -1 amendment
February 4, 2015

Chair Beyer and members of the Committee, I'm Tom D'Amore, a past president of the Oregon Trial Lawyers Association and an Executive Committee member of the trial lawyers national organization—the American Association for Justice.

I have been practicing motor vehicle law for almost 25 years and serve clients in Oregon and Washington.

I have seen, firsthand, the difference stacking insurance policies can make in a victim's life. Washington, along with more than half of the other states, allow stacking. Washington, along with 37 other states, allows PIP make whole.

In Oregon we don't allow either. So Oregon consumers buy motor vehicle coverage and when they need it most, they can't get what they paid for.

Let me give you a current example of a case one of my colleagues is working on. A Washington resident with Washington car insurance was driving down an Oregon highway headed to a business conference. She was hit by a driver making a U-turn on the highway. She suffered a severe concussion and now has permanent neurological damage. She has a hard time reading faces, remembering names and some of her motor functions have been affected. She is a massage therapist which is a very physical job. She is having great difficulty in maintaining her strength and stamina since the crash and the impact on her business has been financially devastating. She is in her 30's and her doctors think she may have difficulty carrying a child because of her injuries sustained in the wreck. Her medical bills are well over \$55,000 and there is no telling what her future medical bills or lost wages may be. She paid for \$50,000 in coverage and the at fault Oregon driver had \$50,000 in coverage. Because she was a Washington resident with Washington insurance, she will be able to stack the two policies for \$100,000 in coverage. An Oregonian with the same coverage in the same accident would only be able to access \$50,000 in coverage. An Oregonian traveling on the same road, in the same car, with the same injuries hit by the same driver would get half of what a Washington resident is able to access.

Undoubtedly the other side is going to tell you that insurance rates are going to skyrocket. It simply isn't true. Insurance rates depend on many factors and fluctuate with the market. If Make Whole and PIP stacking had a major impact on insurance rates Oregon rates should be significantly lower than in Washington and should be significantly lower than 37 other states. Not the case.

SB 411 with the dash 1 amendments would fix a long-standing problem in the way Oregon motor vehicle insurance consumers are treated when they need their insurance coverage the most. SB 411 with the dash 1 amendments would put Oregon in line with most of the rest of the country in prioritizing consumers over insurance companies and ensuring that Oregonians get the insurance coverage they have been paying for.