

OREGON PROGRESSIVE PARTY



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**Oregon Progressive Party
Position on Bill at 2018
Session of Oregon Legislature:**

HB 4114: Support

Dear Committee:

The Oregon Progressive Party supports HB 4114, which:

- Removes ability of consumer reporting agency to charge fee for placing, temporarily lifting or removing security freeze on consumer report, for creating or deleting protective record or for placing or removing security freeze on protective record for protected consumer or for replacing lost personal identification number, password or similar device for consumer.
- Provides private right of action to consumer injured by violations. Allows court to award prevailing plaintiff punitive damages, costs and reasonable attorney fees.

We prefer HB 4147, however, due to its approach that escapes the "compulsory arbitration" trap.

HB 4114 limits to \$6,000 the compensatory damages that a consumer may recover for a violation of the new prohibition on certain fees. We see no reason for this limit. More important, HB 4114 merely authorizes a court to award costs and reasonable attorney fees to a prevailing consumer plaintiff. Instead, it should require the award of such costs and attorney fees. With the mere possibility of being awarded attorney fees, consumer plaintiffs will have a hard time finding competent and experienced attorneys to bring these cases.

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