





Dear Governor Hochul:

On behalf of New York’s business community, we write to express our serious concern with S.74/ A.6770, which creates a new class of damages awardable in wrongful death lawsuits. This bill would have a disastrous impact on businesses in the state, endangering our economic recovery in these uncertain times.

This bill would radically expand the kinds of damages recoverable in wrongful death actions, driving up liability insurance premiums for public and private entities across the state. According to an actuarial analysis by Milliman, Inc., the bill would increase medical professional liability costs by nearly 40%. Automobile liability and general liability insurance would increase by as much as \$2.2 billion. The result would be a 12.6% increase in annual premium across the board for residents and businesses.¹

Liability insurance premiums are already higher in New York than almost anywhere else in the country. This legislation would make it harder to attract new companies and discourage local entrepreneurs from pursuing their goals and remaining in New York. For businesses already operating in the state, increased liability insurance costs will lead to price increases, pay cuts, and even layoffs – ultimately devastating already-struggling communities.

As we seek to recover from the far-reaching impacts of the pandemic, we must pursue policies that help, rather than harm, the state’s business community. New York cannot afford to adopt new laws that drain our public coffers, discourage entrepreneurship and stifle economic activity.

Last year, you vetoed a bill citing “significant negative impact on defendants in litigation including hospitals, State government and local governments, all of which are already under a great amount of strain due to COVID-19.”² For the well-being of the economy and communities across the state, we implore you to veto this bill, too.

Sincerely,

Associated Builders and Contractors Empire State

¹ Jones et al., “Proposed Expansion of New York’s Wrongful Death Act,” New York Civil Justice Institute, June 3, 2022

² Veto message #69 from New York State Governor Kathy Hochul, returning A.2199 without approval (Dec. 29, 2021).

Associated General Contractors of New York
American Property Casualty Insurance Association
Big I NY
Buffalo Niagara Manufacturers Association
Buffalo Niagara Partnership
The Business Council of New York
The Business Council of Westchester
Campground Owners of New York
Capital Region Chamber
Commerce Chenango
Construction Exchange of Buffalo and Western New York
Eastern Contractors Association
Empire State Forest Products Association
Food Industry Alliance of New York
Fulton Montgomery Chamber of Commerce
Greater Binghamton Chamber of Commerce
The Lawsuit Reform Alliance of New York
Long Island Builders Institute
Manufacturer's Association of Central New York
National Federation of Independent Business New York
New York Association of Convenience Stores
New York Farm Bureau
New York Insurance Association
New York State Hospitality & Tourism Association
Northeast Agribusiness & Feed Alliance
Northeastern Retail Lumber Association
Northeast Dairy Producers Association
Partnership for New York City
Rochester Technology and Manufacturing Association
Ski New York
Trucking Association of New York
Westchester County Association

