



Dear Members of the New York State Legislature:

On behalf of New York’s business community, we write to express our serious concern with S.6636/A.6698, which radically expands the types of damages that could be awarded in wrongful death lawsuits. This bill was ostensibly introduced as a compromise to address concerns raised by Governor Hochul in her veto message for 2022’s S.74-A/A.6770. Our opposition to this new version of the bill remains resolute. There has been no analysis of the potential cost of this legislation, which is a required precedent to its enactment. The sponsor’s memo claiming that there are no fiscal implications for state and local governments is inaccurate.

Like the original bill, this amended language would radically expand the kinds of damages recoverable in wrongful death actions, driving up liability insurance costs for public and private entities across the state. According to an actuarial analysis by Milliman, Inc., last year’s measure would have increased medical professional liability costs by 40% or more. Automobile liability and general liability insurance would have increased by as much as \$2.2 billion. The result would have been an 11% increase in annual premiums across the board for residents and businesses.

Similar increases are projected under S.6636/A.6698, since there is no change in the bill language that was analyzed by Milliman. As written, the adjusted bill has the potential to create retroactive liability and revive claims barred by the current statute of limitations.

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 starting new businesses. For businesses already operating in the state, increased liability insurance costs will lead to tough decisions, price increases, pay cuts, and even layoffs – ultimately devastating already-struggling communities.

New Yorkers are facing an affordability crisis because of inflation, the rising cost of housing, and growing tax and fee burdens. Increasing damages would impose large costs on the general public, for the sake of a relatively small number of households and their attorneys. This coalition urges legislators to reject this bill.

Thank you for your consideration.

Sincerely,

American Property Casualty Insurance Association

Associated Builders & Contractors – Empire State Chapter

Associated General Contractors of New York State

Big I NY

Buffalo Niagara Partnership

Business Council of New York State

Business Council of Westchester

Campground Owners of New York

Capital Region Chamber of Commerce

Construction Exchange of Buffalo and Western New York

Eastern Contractors Association

Empire State Forest Products Association

Food Industry Alliance of New York

Lawsuit Reform Alliance of New York

Long Island African American Chamber of Commerce

Long Island Association

National Association of Mutual Insurance Companies

National Federation of Independent Business

New York Construction Materials Association, Inc.

New York State Builders Association

New York State Hospitality & Tourism Association

Northeast Agribusiness & Feed Alliance

Northeastern Retail Lumber Association

Partnership for New York City

Queens Chamber of Commerce

Rochester Technology and Manufacturing Association

Trucking Association of New York