



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.<sup>1</sup>

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."<sup>2</sup> 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  
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

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<sup>1</sup> Jones et al., "Proposed Expansion of New York's Wrongful Death Act," New York Civil Justice Institute, June 3, 2022

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

The Business Council of Westchester  
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