



The Honorable Diane Larson
Senate of North Dakota
State Capitol
600 East Boulevard
Bismarck, ND 58505-0360

RE: Support for Senate Bill 2206

Dear Senator Larson & Members of the Judiciary Committee,

On behalf of the American Trucking Associations¹ (ATA) and our thousands of motor carrier members in North Dakota and across the country, I write to fully endorse Senate Bill 2206.

Over the past several years, ATA has seen an explosion in lawsuits filed against our member companies- some of which have resulted in nuclear verdicts that amount to tens of millions of dollars where injuries were not necessarily proportionate to the damages awarded. In addition, ATA members have noted that many evidentiary and legal hurdles exist in states that make presenting a fair defense difficult for our motor carrier members. As a result, ATA has embarked on a campaign with our state federation colleagues to level the judicial playing field to enable our members to enter the judicial process with the ability to present a reasonable defense.

Senate Bill 2206 would improve the judicial process in North Dakota by creating sensible and rational changes- while doing nothing to remove the ability of the public access to the judicial system. One such change would be to bring North Dakota's statute of limitations for actions against trucking companies for an injury or death in line with other actions already in state law and limiting the time frame to two years.

This is already the case in North Dakota for actions such as assault, libel, battery, and other claims. **Indeed, 26 states have a 2-year personal injury claim statute of limitations.** North Dakota is an extreme outlier at six years, and we feel the state should reflect the judicial environment that over half the country views as a reasonable amount of time to file a claim.

¹ American Trucking Associations is the largest national trade association for the trucking industry. Through a federation of 50 affiliated state trucking associations and industry-related conferences and councils, ATA is the voice of the industry America depends on most to move our nation's freight. Follow ATA on Twitter or on Facebook.

An additional change that SB 2206 would make is to enshroud in state law a reasonable limit of \$500,000 that would be established for noneconomic damages where in a civil action for injury/death is filed against a commercial motor carrier. **I would note that this does not necessarily limit any overall award- only those damages that refer to compensation awarded for subjective and intangible losses resulting from an injury.** These subjective damages are in many cases the reason for what our members have experienced around the country- huge jury awards for noneconomic damages that result in increased costs of business, skyrocketing insurance rates, and painful decisions as to continuing to operate given the risk of bankruptcy to satisfy awards. This would be a common-sense addition to North Dakota law that would continue to prioritize the flow of commerce through the state while also ensuring that any future victims would be provided for under the law.

Finally, SB 2206 would also bring North Dakota in line with many states that have recently repealed the so-called "seat belt gag rule". This is an evidentiary issue that prohibits a defendant, in our case a motor carrier, from introducing evidence that a plaintiff was *not wearing* their safety belt at the time of an accident. As you surely know, North Dakota law mandates occupants of a vehicle must wear a safety belt. **ATA strongly feels that if a plaintiff contributed to their injuries through their own negligence, this evidence should be probative to a fact finder in a suit and should enter the trial record along with any other admissible evidence.** ATA has been at the forefront of this issue in several other states in the past few years, which has resulted in the law changing and admitting non-seat belt usage in West Virginia, Indiana, and Louisiana. We believe North Dakota should join those states in permitting this evidence as admissible.

ATA appreciates the opportunity to weigh in on these important issues. Should you have any questions, please do not hesitate to contact me at dbauer@trucking.org. In addition, our state federation colleagues at the North Dakota Motor Carriers Association will be happy to coordinate any questions that you and the committee have.

Sincerely,

David E. Bauer
Vice President, State Policy

CC: Members of the North Dakota Senate Judiciary Committee