

WRITTEN TESTIMONY IN OPPOSITION TO SB 2206

Senate Judiciary Committee on Senate Bill 2206

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This written testimony is presented in opposition to SB2206, which will limit the statute of limitations of a commercial motor carrier causing an injury or death to two years; limiting non-economic damages from a commercial motor carrier causing injury, death, or losses to \$500,000; and evidence of safety belts in motor vehicle accidents. I am a licensed North Dakota attorney who practices civil litigation and have represented individuals severely injured or killed in accidents caused by commercial motor carriers.

Commercial motor carriers cause some of the most catastrophic accidents in the State of North Dakota. A quick review of the “Bakken Oilfield Fail of the Day” Facebook page illustrates the reality of sharing the roads in western North Dakota with commercial common carriers. Despite stringent DOT regulations, commercial common carriers regularly create hazardous conditions by running stop signs, unsafely crossing major highways or other intersections, operating in extreme weather conditions, speeding, aggressive driving, unsafe passing on two-lane roads, weaving lanes, hitting stationary vehicles, rear-ending vehicles, poor vehicle maintenance (i.e. faulty brakes, tires, or lighting), fatigued drivers, inadequately trained drivers, distracted or impaired driving, improper loading, and overloading. The statistics show the dangers caused by commercial common carriers: Truck crashes comprised of 25% of fatal crashes in 2024;¹ and in 2023, a fatality involving a heavy truck occurred every 15 days.² From 2017-2021, 53% of fatal crashes in oil country involved a commercial or heavy vehicle.³

The size and weight of commercial common carriers significantly increases the potential for catastrophic harm in the event of an accident. Operators of a commercial motor carrier are often unharmed or minimally injured in accidents. However, the smaller vehicle struck is often totaled with the occupants severely injured or killed. There is rarely sufficient recourse for those who are injured in this type of accident and they are often left with profoundly altered lives. In addition to the economic losses, they suffer from continued physical pain, anxiety, depression, PTSD, and a reduced quality of life. Everyday tasks such as sleeping, walking, feeding, dressing, showering, cleaning their home, and participating in hobbies are often overwhelming. Depending on the severity of the accident, it may take years for an individual to fully know the impact of their injuries. Non-economic damages compensate people for these profound and lasting impacts from an accident. Limiting these damages is not fair to those whose lives are upended as a result of an accident with a commercial common carrier.

An even more devastating scenario occurs when someone dies as a result of an accident with a commercial common carrier. Their families are forever deprived of the love, affection, and support of their loved one. No amount of money ever fills the void caused by such a tragic accident. \$500,000 is a grossly inadequate sum for such a loss.

¹<https://visionzero.nd.gov/uploads/118/StatusBoardUpdateasof01082025.pdf>

²https://visionzero.nd.gov/uploads/118/NDDOT_2023CrashSummary_Final_WEB1.pdf p. 14.

³https://visionzero.nd.gov/uploads/114/NDDOT_SHSP_withVRU_FinalWeb.pdf p. 48.

Shortening the timeframe in which to bring a claim against a commercial common carrier is unnecessary and unjust to the victims of these types of accidents. The statute of limitations for wrongful death is two years, and the statute of limitations for personal injury is six years. It would be a manifest injustice for commercial common carriers, who cause so many serious injuries annually, to be granted a shorter statute of limitations. It forces victims to bring legal action before the full extent of injuries are understood.

Capping non-economic damages at \$500,000 enables commercial common carriers to maim, injure, and harm North Dakota drivers, without facing meaningful consequences. This sends the dangerous message that the lives and well-being of North Dakotans are secondary to the trucking industry's profits. Limiting non-economic damages shield commercial common carriers from taking responsibility for their careless, reckless, and negligent actions. It allows them to cut costs at the expense of safety.

Every North Dakota driver and family deserves justice when they are harmed through no fault of their own. Arbitrarily capping damages denies victims fair compensation for their pain, suffering, and loss of quality of life. It is not just a legal issue—it is a moral one. Our laws should protect individuals, not protect the trucking industry from accountability.

Please reject the financial interests of the trucking industry and affirm the rights of North Dakotans to justice and fair compensation by opposing Senate Bill No. 2206.



Debra L. Hoffarth