



**North Dakota Association for Justice**  
PO Box 365  
Mandan, ND 58554  
*The Trial Lawyers of North Dakota*

Jaclyn Hall, Executive Director  
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Madam Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall, Executive Director of the North Dakota Association for Justice in opposition to SB 2026.

SB2026 reduces the statute of limitations for victims to bring claims against a 'commercial motor carrier', creates a cap for victims to receive noneconomic damages and changes the requirement for seatbelt usage in civil claims. All three of these parts of this legislation are harmful to North Dakotans.

### **Statutes of Limitations**

A statute of limitations is the maximum amount of time allowed for a party to initiate legal proceedings, whether filing criminal charges, or a civil lawsuit. Statutes of limitation are set by federal and state law, and the length of time varies according to the nature of the civil or criminal case.

North Dakota currently has established statutes of limitations from two to ten years, depending upon the claim. A majority of civil actions in North Dakota have a six-year statute of limitations.

In an accident, there are a variety of reasons why the current statute of limitations in North Dakota should stay at six years. Here are a few of them:

1. The time it takes to heal from an injury can be lengthy. A short statute may not give the injured party enough time to determine their injuries or who caused the injury.
2. Workers Compensation and other Insurance coverage can take time to determine fault and can be negatively impacted by a short statute of limitations.
3. In some cases, especially out in the western part of the state, it may take time to determine who is at fault. These contracts and agreements are multilayered and can take time. A longer statute of limitations allows the correct party to be held accountable. The last thing we want is to file a claim against a company and have them incur costs when they are not the company who should be



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held accountable. Shortening the statute can result in more litigation.

4. Each case is also unique, so not all cases utilize the entire statute time frame. Everyone wants these claims to be completed as timely as possible.

SB2026 provides a shorter statute for claims against a commercial motor carrier, however their claims would get six years. If two commercial carriers were in an accident, would they get two or six years? The statute of limitations should be on an act, not for a specific business class.

**Changing statutes of limitations must be good for North Dakotans, not just because other states are different.**

### **Creating Caps on Damages**

When there is an accident or harm is done to another individual a claim of action will include economic and noneconomic damages. These damages are determined by a jury of one's peers. This right is guaranteed by the 7<sup>th</sup> Amendment. Damages are awarded as an attempt to restore someone's life after an accident or injury.

Under NDCC 32-03.2

- a. **Compensation for economic damages**, which are damages arising from medical expenses and medical care, rehabilitation services, custodial care, loss of earnings and services, loss of employment or business or employment opportunities and other monetary losses. An injured party can receive past and future economic damages.
- b. **Compensation for noneconomic damages**, which are damages arising from pain, suffering, inconvenience, physical impairment, disfigurement, mental anguish, emotional distress, fear of injury, loss or illness, loss of society and companionship, loss of consortium, injury to reputation, humiliation, and other nonpecuniary damages.

Safety on our roadways is important. Whether it is a truck or automobile accident, everyone's goal is to keep our loved ones safe on the roads we all share. Every year, preventable trucking accidents happen across the US, leaving families devastated, causing heartbreak and financial



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struggles. The justice system is a key tool for making sure trucking companies follow the rules and prioritize safety.

Proposals to limit lawsuits or cap damages would take away the ability of families to hold dangerous companies accountable. As a lawmaker, I ask you to protect fairness, safety, and the rights of all North Dakotans as they seek justice when they are harmed.

- 1. Trucking accidents hurt families and communities.** Over 450,000 crashes involving large trucks happen each year, leading to 5,600 deaths and 150,000 injuries (Source: FMCSA, 2021 Large Truck and Bus Crash Facts). Most of the people killed or injured are in smaller cars. These accidents leave families grieving and struggling to pay medical bills, fix their cars, and make ends meet. Truck crashes cost the U.S. \$180 billion every year, hitting families and communities hard (Source: FMCSA Report to Congress, 2022).
- 2. Families deserve accountability.** When a trucking company's carelessness causes harm, families should have the right to hold them accountable. Damage caps would take this right away and leave victims with fewer resources to restore their lives. Surveys show that 70% of Americans agree that trucking companies should face consequences when their negligence hurts people (Source: Pew Research, 2020). These lawsuits are often the only way families can get justice and force companies to change unsafe practices.
- 3. Accountability makes trucking safer for everyone.** When trucking companies are held accountable, they invest in safer trucks, better training, and regular maintenance. For example, lawsuits have required companies to add underride guards that prevent smaller cars from sliding under trailers or install automatic emergency braking. They've also led to better



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systems for tracking driver fatigue. Research also shows that safety technology like electronic logging devices (ELDs) became more common after legal pressure forced companies to take action. (Source: Center for Justice & Democracy, "Big Trucks: An Avoidable Public Safety Crisis," 2022)

**4. Dangerous companies must face real consequences.** When trucking companies hire unqualified drivers or skip important safety checks, they put everyone at risk. Under this legislation, carelessness and illegal activities causing accidents will still be reduced by the cap.

1. DUI
2. Drugged driving; Chemical test refusal;
3. Vehicle-related felony
4. Drug and human trafficking.
5. Unlicensed/disqualified driving
6. Reckless driving
7. Driver fatigue / Over hours
8. Distracted driving (electronic device use)
9. Excessive speeding (15+ mph over limit)

Cutting corners on safety is not acceptable. These penalties are rare but critical for making sure companies think twice before putting profits over lives. (Source: Center for Justice & Democracy, "Big Trucks: An Avoidable Public Safety Crisis," 2022)

**5. The cost of safety is worth it.** Some trucking companies claim lawsuits are too expensive, but insurance costs are just 5% of their total expenses—about 10 cents per mile (Source: ATRI, "Operational Costs of Trucking," 2024 Update). For comparison, truckers spend much more on fuel (24%) and driver wages (43%). These costs are small compared to the lives saved and the safer roads we all deserve. In western North Dakota,



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carriers who drive with hazardous chemicals are required to carry a minimum of \$5 million in insurance.

- 6. Small-town families are hit the hardest.** Many of these commercial carriers are out of state companies, while their victims are our friends and neighbors here in North Dakota. Limiting damages would leave families relying on state programs to care for their loved ones. (Source: FMCSA Crash Data, 2021).

In North Dakota, we have not had a claim that has resulted in a business shutting their doors. There was a large award in Texas that has become the posterchild for legislation just like this. However, in that case – which resulted in a death of a seven year old and a twelve-year-old girl becoming a quadriplegic – the award accounted for a life care plan for this young girl, which increased the award total. Her life care plan is in place to try and restore her life. If this legislation were to pass and that accident happened here in ND, her award would have been reduced, and she may have had to rely on the state to care for her in the future. The state should not be responsible for the carelessness of others.

North Dakota juries are very conservative and do not make decisions lightly. By capping damages, without their knowledge, we are telling them that their decision, and their due diligence to reach that decision, is disregarded by the law and not important.

### **Seatbelt Usage**

Changing the requirements of seat belt usage in civil actions is very confusing in this proposed legislation.

The first states that a failure to wear a seat belt “may be considered evidence of comparative negligence.” This could be detrimental for both the injured party and the party at fault. It would mean that a person cited for wearing a seat belt is negligent and is responsible for all resulting damages.



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The second part requires hiring an expert to determine if seatbelt usage had an impact. Experts are very costly, along with crash reconstruction. Small trucking companies should not have to incur additional costs.

The third part reduces the award based on seatbelt usage. I have discussed in this testimony how being reckless will still result in a cap on damages, now we are going to reduce the award based on seatbelt usage?

## **Conclusion**

Every family deserves to feel safe on the road and have a fair shot at justice when something goes wrong. Legislation like this is being introduced all over the nation. They are limiting time, reducing compensation and changing seatbelt usage. This is not a North Dakota problem; this is an effort by large companies to limit their liability after the large award in Texas. Creating legislation without a clear problem in North Dakota is wrong.

SB2026 provides support for commercial motor carriers, but what is the definition? The definition I found covers trucks carrying freight, passengers or hazardous materials involved in commerce. Does it cover just the Amazon truck moving down the interstate, or does it cover the Amazon delivery driver in their own vehicle? Does it cover a commercial bus driver with an empty bus, or do they need to have a full bus? **This proposed legislation has too many questions, with no clear answer.**

I have a fourteen-year-old daughter. She is thriving and I have so many hopes and dreams for her. Last night we were on the interstate coming home from basketball practice and I could not help but think about how this potential legislation would impact her future. If the unthinkable were to happen to my daughter or to another child, I hope I will be able to rely on a jury of my peers, not worry about a cap impacting the future medical care of my child to restore her life.

**Please oppose SB2026 with a Do Not Pass Recommendation.** This legislation will have a detrimental impact on North Dakotans, while protecting out of state business.