

## **Suggested amendments for Senate Bill 2206**

**Page 1, Section 1 Line 10** – strike word “carrier”, insert word “vehicle”

Commercial motor vehicles are already defined in NDCC. Please reference this section of code to ensure consistency.

Place Section 1 of the bill into the Century Code that references three years for statute of limitations. Currently this section is in the two year statutes.

**Page 1, Section 2 Line 18** – strike “five hundred thousand”, insert “one million”

**Page 1, Section 3 beginning on line 22** – Strike entire section

**Page 2, Section 4 beginning on line 25** – Strike entire section

### Rationale:

**Section 1:** There already exists a Century Code definition of commercial motor vehicle. Using commercial motor “carrier” might cause confusion, requiring another round of definitions. NDMCA is comfortable with using “vehicle” in this instance. Secondly, the NDMCA would be open to raising the Statute of Limitations time period for such actions to three (3) years. Eighty percent of all states have a 2 or 3 year SL. North Dakota and Maine are the only two states currently with a 6 year SL.

**Section 2:** While the \$500,000 noneconomic damage limit proposed does have a basis for this level (reference \$500,000 noneconomic damage limits for a medical malpractice case; currently in Century Code), NDMCA recognizes that figure could be construed as an “old number.” And as presented in testimony, the vast majority of commercial carriers have liability insurance greater than \$500K. NDMCA proposes to raise that limit to \$1M.

During our discussions, opponents suggested some exceptions to this limit, however, our attorneys indicated putting exceptions in Century Code merely gives more reason to litigate, driving costs up further for both plaintiffs and defendants.

**Section 3 and 4.** Delete. Allowing evidence of seat belt use in an injury case is already permitted under NDCC.