



North Dakota Association for Justice

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The Trial Lawyers of North Dakota

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Chairwoman Larson and members of the Senate Judiciary Committee, I am Jaci Hall, Executive Director of the North Dakota Association for Justice. I am here today in support of SB2233.

In 1995, notice to the state in a civil action was established to ensure that the state is aware of the legal proceedings taking place within its jurisdiction.

Over the years, these actions have included anything from rock chips to wrongful death. The 180 days provides a way for the state to receive notice timely and to reduce any risk associated with the unknown.

SB2233 carves out serious injury and allows for one year from the date of injury to notify the state. Currently, wrongful death also has a one-year notice.

An individual cannot file notice to the state for an injury until insurance is exhausted. In certain situations, no fault insurance has taken longer than the current 180-day requirement. These instances have resulted in the inability for someone to file a claim against the state. In other instances, the magnitude of the injury is not realized until after the notice period has ended.

When notice is not available, the only option is to file civil action against a county or city. This action is unfair to these entities when the state is liable.

Civil action against the state currently falls under a cap currently in statute, so the ability to budget not only the timeline for the risk, but the cost to the state can be calculated within the biennium.

Please support this change with a Do Pass recommendation.

Thank you