

**February 3, 2021**

**Chairman Klemin and the North Dakota House Judiciary Committee**

**HB 1382**

The American Property Casualty Insurance Association (APCIA) is composed of over 1,200 member companies and 330 insurance groups and represents the broadest cross-section of home, auto, and business insurers of any national insurance trade association. In North Dakota, APCIA member insurers provide almost 69 percent of all the insurance purchased by the state's citizens and businesses.

We urge opposition to HB 1382.

On behalf of the American Property Casualty Insurance Association (APCIA), thank you for the opportunity to submit this statement regarding ND HB 1382, which would permit the revival, for two years, of time-barred civil claims in childhood sexual abuse cases.

Sexual abuse against a child is intolerable and should be punished to the full extent the law provides. These are awful crimes that have been committed against children and the people who have been hurt by these crimes need to be taken care of. We appreciate and applaud the sponsors of this bill for wanting to express a message of hope and care through this bill.

This statement today focuses only on the general principles underlying statutes of limitations, as well as the reasons why retroactive changes to these laws, and particularly reviving time-barred claims, are often viewed as unsound policy by legislatures and unconstitutional by courts.

Changes to any statute of limitations should be examined objectively based on core principles. APCIA believes that for statutes of limitations to serve their purpose of encouraging prompt and accurate resolution of lawsuits and to provide the predictability and certainty for which they are intended, they must be, at minimum finite and any changes must be prospective only. APCIA is concerned that HB 1382 in its current form, departs from these principles and may set a troubling precedent for other types of civil cases.

Statutes of limitations prevent stale claims and unnecessary delays in the presentation of issues. A plaintiff's timely filed action provides notice to the defendant and ensures that the defendant does not find itself in a situation where, because of the lapse of time, that person or organization is unable to gather the facts, evidence, and witnesses necessary to afford a fair defense.

Statutes of limitations also allow businesses and nonprofit organizations to accurately gauge their potential liability and make financial, insurance coverage, and document retention decisions fairly and accordingly.

Thank you.

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