

Yes on HB 4136

29 Years is Far Too Long Help Grieving Families Facing Tragedies

In 1987, the Oregon Legislature put a limit on the value of human life: \$500,000. No matter how egregious the behavior that led to the death, the details of what happened, the extent of the negligence or unlawful behavior, killing someone = \$500,000 in non-economic damages: one size fits all justice. 29 years have passed since this arbitrary monetary value was placed on someone's life.

Sadly, with caps in place, negotiations often result in settlements far less than \$500,000 because the wrongdoer knows \$500,000 is the maximum penalty. Caps decrease the incentive of defendants to settle, increasing egregious stalling tactics by those literally banking on an injured parties' death. In cases where the victim was a child, senior/retired person, a stay-at-home parent, or a lower wage earner, we place a lesser value on their lives. In these cases, the insurance company will always negotiate down from the cap knowing that taking the case to trial will substantially increase litigation costs and is the last thing most people who have just lost a loved one want to do.

In a wrongful death trial, juries are not told of the cap, they listen to the facts and award what they think is fair based on the facts. Oregon juries have not awarded huge sums on wrongful death cases but have found individual cases where the losses to the family and the egregiousness of the negligence warrant more than the cap. But if the jury awards more than the cap based on the facts of the case, the judge must reduce that award to the arbitrary cap of \$500,000.

What the Bill Does to Show Compassion to Grieving Families

- HB 4136 would simply increase the cap on non-economic damages to \$1.5M, and index it to inflation in the future.

The Facts and Figures that Make the Case for Compassion

- The current \$500,000 cap was set by the legislature 29 years ago, with no increase since 1987.

- Even if the cap was simply adjusted for inflation, it would be over \$1M today.
- Under current Oregon law, if a drunk driver maims someone in an accident, the drunk driver is responsible for all of the harm caused. But if the drunk irresponsible driver kills someone, there is an artificial cap on the value of that person's life to loved ones, spouses, children, and parents.
- **More than a quarter of the states have no such cap whatsoever & Oregon has no cap on compensation for injuries.** The legislature should trust juries to make these decisions. A meaningful increase is the least we can do to help these families get a measure of justice for the loss of a loved one.
- **A similar bill passed the House in 2009 by a bi-partisan 55-4 vote (HB 2802).**
- In the past 15 years Oregon voters have twice rejected ballot measures that would put a one-size-fits-all cap on justice.
- HB 4136 would give juries more flexibility to hear facts and determine case-by-case justice for grieving families.
- The elderly are disproportionately impacted by the death caps. Economic damages can be recovered for loss of future earnings. But older Oregonians who are killed through negligence are at the end of their careers and hence have less economic loss. Similarly, families of stay-at-home parents, people with disabilities, or women who suffer from pay inequity are perceived to have less economic value.
- The other purpose of civil suits is to improve community safety. Those who harm others should be held responsible for their actions. Low, arbitrary caps limit responsibility and limit the incentive to do the right thing and correct negligent behavior.

I urge you to help Oregonians facing tragedies by raising the wrongful death cap.