



PLEASE OPPOSE HB 1254

A CYNICAL ATTACK ON COLORADO'S DOCTORS, HOSPITALS, NON-PROFITS, LOCAL GOVERNMENTS AND BUSINESSES

Like many states, Colorado places reasonable limits on the amount a jury may award in a civil lawsuit for hard to quantify “non-economic” damages, such as pain and suffering, emotional distress, etc..

- Colorado does NOT limit economic damages, such as health care expenses, lost income, etc., with limited exceptions.
- But Colorado doctors, hospitals, small businesses, local governments and non-profits rely on caps on non-economic damages to stop lawsuit abuse and the “lawsuit lottery”.
- Non-economic damages caps were the centerpiece of bipartisan lawsuit reforms in the mid-1980s, which restored stability and affordability to Colorado’s then out-of-control insurance market.
- Those caps have been repeatedly indexed for inflation since that time. The cap on non-economic damages for wrongful death is currently \$436,070.

Don’t be fooled. HB1254 is not about protecting children. Civil lawsuits involving the death of a child are generally settled and rarely go to trial. Instead, the bill is a cynical ploy to undermine caps on non-economic damages as a whole.

- Colorado law is already generous when it comes to the death of a child.
 - No cap exists in the case of “felonious” or even just “reckless” wrongful death – at any age – by an individual. Unlike most states, Colorado allows the family of a deceased child to recover for their grief and bereavement.
- HB1254 creates a loophole much larger than its proponents claim.
 - Caps would be eliminated for co-defendants with just 1% of fault.
 - Caps would be eliminated for state and local governments, too, since HB1254 overrides the Governmental Immunity Act.
 - The mere allegation of wrongful death of a child may eliminate caps, even if later dismissed.

HB1254 will eliminate the limit on non-economic damages in some of the EXACT circumstances the Legislature wanted them to apply.

- Already scarce rural OB-GYNs will see significant malpractice insurance rate hikes and move to larger population centers.
- Under-funded government-owned hospitals like Denver Health will face even larger liability and insurance costs.
- Non-profit sports leagues may have trouble finding affordable insurance, as will K-12 schools, colleges and universities.
- The bill overrides important protections for Colorado ski areas and agri-tourism businesses.

HB1254 tries to capitalize on every parent’s worst nightmare, but it is fundamentally an emotional attack on the rational case for non-economic damages caps themselves. When one recalls that the bill’s proponents stand to profit from at least 1/3 of these awards should the bill pass, it’s not too hard to understand why.

Contact: Jeff Weist – 303-884-0727