

S.74-A (Hoylman) / A.6770 (Weinstein)

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BILL S.74-A (Hoylman) / A.6770 (Weinstein)
SUBJECT Wrongful Death Recovery for Emotional Anguish
DATE May 21, 2021
OPPOSE

The Business Council of New York State opposes S.74-A (Hoylman) / A.6770 (Weinstein) , which amends the Estates, Powers and Trusts Law in relation to payment and distribution of damages in wrongful death actions.

On behalf of our members, who employ over one million New Yorkers, we are deeply concerned with the trend in legislation being considered that greatly expands legal remedies for a variety of case types. This bill is no different, in that it greatly expands remedies for the family of a person who died as a result of negligence to obtain non-economic compensation for the loss. In this case, the bill allows recovery for a decedent's pain and suffering.

Families of a person killed as a result of negligence have several legal avenues to recover financially for their terrible loss. Here, an estate may also bring a survivorship cause of action for the decedent's pain and suffering prior to death, with the law allowing for the pain and suffering damages to also include a component for "pre-impact terror." This goes far beyond the current law that limits to economic monetary damages. There is simply no question that this bill would result in severely increased costs on all New York civil defendants, public and private who would see costs needlessly increase.

Families of the deceased are certainly not without remedy in New York. Adding a new claim for these families is unnecessary since a family can already recover for decedent's pain and judgements already, in a practical sense, consider non-economic loss.

The Business Council is deeply concerned with this and many other expansions in tort law being considered by the Legislature and for the above reasons is opposed to S.74-A (Hoylman) / A.6770 (Weinstein) .