

Fact Sheet

CA's \$250,000 Compensation Cap Set in 1975 is Most Regressive in America

- **20 states plus Washington, DC have no cap on noneconomic damages.**
 - o These include progressive states such as New York, Washington, and Connecticut as well as conservative states like Alabama, Wyoming, and Kentucky.
- **In just 2019, 3 states either overturned their caps or adjusted them for inflation.**
 - o Kansas' Supreme Court overturned a \$250,000 cap on non-economic damages
 - o Oklahoma's Supreme Court found that all caps on damages in personal injury cases are unconstitutional
 - o Colorado's legislature passed a bill that will allow for the caps of non-economic and wrongful death damages to be adjusted in accordance with inflation every two years
- **4 more states' caps are currently being challenged**
 - o Massachusetts's legislature has introduced a bill to lift caps on medical malpractice cases and it has been sent to committee
 - o New Mexico has a case pending before the Supreme Court that could affirm a lower court's ruling to overturn the state's \$600,000 medical malpractice cap
 - o Tennessee's Supreme Court will be hearing a case challenging the constitutionality of the state's \$750,000 noneconomic cap
 - o Colorado has a case pending in its Court of Appeals challenging the constitutionality of the state's \$300,000 noneconomic damages cap
- **12 states have adjusted or overturned their caps in the past decade** (Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, North Carolina, Oklahoma, Tennessee, Utah, West Virginia)
 - o Florida, Georgia, Kansas, Illinois, and Oklahoma *overturned* in the past decade.
- **14 caps include exceptions in cases, for example, of wrongful death or catastrophic injury.** (Alaska, Hawaii, Iowa, Maryland, Maine, Massachusetts, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Utah, West Virginia)
- **8 caps include provisions for periodic adjustment according to inflation rates.** (Idaho, Maryland, Michigan, Missouri, Nebraska, North Carolina, South Carolina, Virginia)
- **California is 1 of just 3 states with a cap as low as \$250,000 with no exceptions. \$250,000 is the lowest cap in the country.** (Montana and Texas are the other two)
- **California is 1 of just 5 states that has a statute of limitations as short as 1 year.** (The others are Kentucky, Louisiana, Ohio, Tennessee)

States with no caps

Alabama
Arizona
Arkansas
Connecticut
Delaware
District of Columbia
Florida
Georgia
Illinois
Kansas
Kentucky
Minnesota
New Hampshire
New Jersey
New York
Oklahoma
Pennsylvania
Rhode Island
Vermont
Washington
Wyoming

Total: 21 including DC

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