



Testimony of
American Property Casualty Insurance Association (APCIA)
Senate Judicial Proceedings Committee
Senate Bill 313 Civil Actions – Damages – Use of Race, Ethnicity, and
Gender Data
February 9, 2022

Support with Amendment

The American Property Casualty Insurance Association (APCIA) is the primary national trade association for home, auto, and business insurers. APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe. APCIA is a national trade organization and represents nearly 60 percent of the U.S. property casualty insurance market. APCIA respectfully supports with amendment Senate Bill 313.

While APCIA appreciates the intent of HB 244, APCIA is always concerned about the unintended consequences of completely barring the use of well-established measurements in calculating a lost wage. We oppose the idea that if such characteristics are deemed inappropriate, they are nonetheless being preserved in this bill if it will be advantageous to an overall outcome that is larger. Either the characteristics are inappropriate, or they are not. In addition, it is not clear how this will be implemented in making these determinations.

As drafted, this proposed prohibition could have an inflationary and inequitable impact on lost earnings awards. We have proposed an amendment to the language that would focus on the “calculation” of lost earnings.

To address the equitable intent of the legislation, the APCIA proposes that the language be amended as follows:

STRIKE LINES 15-17

INSERT :

RACE, ETHNICITY AND GENDER MAY NOT BE CONSIDERED IN A CALCULATION OF DAMAGES FOR LOSS OF EARNINGS RESULTING FROM PERSONAL INJURY OR WRONGFUL DEATH

APCIA believes that language will reduce the potential inflationary impact of the proposal and correct the differential treatment on the very individuals that the legislation is attempting to address.

We appreciate the opportunity to comment and request an amendment and we look forward to working with the sponsor. For all these reasons, the APCIA urges the Committee to consider this amendment to Senate Bill 313.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

Nancy.egan@APCIA.org Cell: 443-841-4174