



Testimony in Support of Senate Bill 413
Mr. Daniel Murray
Kansas State Director, National Federation of Independent Business

Senate Committee on Judiciary
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Madam Chair and members of the committee, I am pleased to submit testimony in support of Senate Bill 413. NFIB Kansas is the leading small business organization in Kansas representing small and independent businesses. A non-profit, nonpartisan organization founded in 1943, NFIB Kansas represents the consensus views of its nearly 3,600 members throughout the state.

Senate Bill 413 prohibits attorneys and parties in civil actions from suggesting specific amounts to juries for awards of noneconomic damages. Under the new law, no party or counsel may offer suggestions to the jury regarding an amount to award as damages for noneconomic loss through several methods. These prohibited methods include stating a specific dollar amount, providing a range of dollar amounts, presenting a mathematical formula or units of time, or making reference to objects or values that lack any relevant connection to the facts proved by the evidence.

As the nation's legal system continues to spiral out of control and billion-dollar lawsuits become the norm, NFIB fights hard for legal reform in all 50 states. Small business owners do not have in-house counsel, and the vast majority cannot afford to hire lawyers to defend their business and reputations in court. Trial lawyers know this and, as a result, small business owners are easy targets for the plaintiff's attorney looking for a quick payout. Just one frivolous lawsuit can force a small business to close its doors forever. Senate Bill 413 injects common sense fairness into the Kansas legal system by ensuring juries base damage awards on the evidence and actual damages paid, rather than on inflated, manipulated figures.

The cost and availability of liability insurance is a growing problem for Kansas small businesses. Following the 2019 Kansas Supreme Court decision striking the legislative caps on noneconomic damages, the number of cases and sizes of settlements and verdicts has increased. The surge in high-value, plaintiff-friendly verdicts is placing an additional strain on owners' overall insurance burden. While this bill won't reinstate caps on noneconomic damages—which we sorely need—it does assure small business owners a modicum of fairness in court proceedings and damage amounts.

Lawsuit abuse drives up insurance costs and forces small business owners to divert resources away from growth, hiring, and community support. We urge the committee and legislature to pass SB413 which provides Main Street much-needed protection against nuclear damages awards.