



October 28, 2019
Testimony on Hilburn
Submitted by Christopher Mann
MADD Kansas Volunteer, National Board Chairman and Drunk Driving Victim

Chairman and Members of the Kansas Special Financial Institutions & Insurance Committee:

Thank you for the opportunity to submit written testimony in favor the decision in *Hilburn v Enerpipe Ltd.*. On behalf of Mothers Against Drunk Driving, I respectfully request that the committee accept the findings and not do anything to undermine the positive result for victims of impaired driving.

As an advocate for victims of impaired driving crashes, MADD protects and supports victims and guards against passage of laws which would diminish or restrict the rights of victims to be compensated. MADD opposes any measures that would limit the amount of damages that a victim of an impaired driving crash could recover in cases resulting in death or injury.

Drunk Driving causes 10,497 deaths per year and nearly 300,000 injuries per year. In Kansas, 6.4% of injury accidents and almost 20% of fatal accidents were alcohol-related. (2016 Kansas Traffic Crash Facts, Kansas Department of Transportation).

In the Kansas Supreme Court's decision in *Hilburn*, the Court ruled non-economic damage caps in all personal injury claims are unconstitutional and a violation of the right to trial by jury. The *Hilburn* decision helps victims of impaired driving crashes because it restores victims' rights to trial by jury and it eliminates a major barrier to full and fair compensation for victims for their non-economic injuries.

Damage caps benefit impaired drivers and their insurance companies. Victims of impaired drivers, including myself, often suffer from their injuries for a lifetime. Damage caps erase the impaired driver's responsibility for the victim's non-economic injuries that exceed the cap. Despite facts or evidence showing that an impaired driver caused significant non-economic injuries, and despite what a jury may conclude after hearing all the facts and evidence, a victim may only recover non-economic damages up to the amount of the damage cap.

The Supreme Court in *Hilburn* held that non-economic damage caps violate the right to trial by jury because caps limit the jury's power to determine damages. Holding impaired drivers fully accountable for their actions is the right result, and it's a fair result.

Christopher Mann
Chris.mann@madd.org
785-979-2204