

## 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**