



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO #151

December 29, 2023

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 6698, entitled:

“AN ACT to amend the estates, powers and trusts law, in relation to the payment and distribution of damages in wrongful death actions”

NOT APPROVED

This bill would fundamentally alter the legal framework for wrongful death claims in New York by expanding the types of damages that may be recovered, expanding the class of persons who may recover such damages and extending the statute of limitations.

The profound depth of sorrow and heartache from losing a loved one because of the careless actions of another is unimaginable. It is undeniable that New York’s wrongful death statute should be updated so that grieving families can seek a measure of solace by turning to the courts for justice, accountability and meaningful compensation for their loss. Many families who have lost loved ones under tragic circumstances have advocated for updating these statutes, and their advocacy has effectively highlighted the issues with the existing statute. Valuing human life based on an individual’s earning potential is unfair and often reinforces historic inequities and discriminatory practices.

During the last legislative session, the Legislature passed a bill that amended New York’s wrongful death statute. While well-intentioned, that bill represented a foundational shift in New York’s wrongful death jurisprudence and would have likely resulted in significant unintended consequences. I attempted to work in good faith with the Legislature to amend the bill and as the deadline approached, I publicly laid out clear criteria for the appropriate changes. After robust negotiations with the Legislature were not able to produce a satisfactory compromise, I was constrained to veto that bill.

Unfortunately, this year the Legislature once again passed a bill that does not create the requisite balance and again introduces the potential for significant unintended consequences. After much deliberation, I find that the likelihood of these unintended consequences has not been ameliorated. Legitimate concerns have been raised that the bill would likely lead to increased insurance premiums for the vast majority of consumers, as well as risk the financial well-being of our health care facilities – most notably, for public hospitals that serve disadvantaged communities.

Every human life is valuable and should be recognized as such in our laws and in our judicial system. To address the basic issues of fairness, I proposed compromises that would have supported grieving families and allowed them to recover additional meaningful compensation, while at the same time providing certainty for consumers and businesses.

While I remain open to working collaboratively to find holistic solutions that support impacted families without introducing potential unintended consequences, I believe that further deliberations are needed. Therefore, I am constrained to veto this bill.

The bill is disapproved.

Ruth Hochul