

Grieving Families Act Reintroduced: What New York Insurers Need to Know

Insights for Insurers Alert | 2 min read

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On February 5, 2024, New York State Senator Hoylman-Sigal once again brought forth the Grieving Families Act (“GFA”) in its latest iteration: Senate Bill 2024-S8485. Continue reading for how this latest version of the act would potentially impact New York wrongful death claims and filings.

Background

GFA-Version 1.0

In 2021, **GFA-Version 1.0 (Senate Bill 2021-S74A)** attempted to expand the damages available in wrongful death actions as well as the persons eligible to make a wrongful death claim under New York Estates, Powers, and Trusts Law (“EPTL”) § 5-4.3. Version 1.0 also increased the applicable statute of limitations to bring a wrongful death claim from two years to three years and six months and made the GFA retroactive to all pending actions. Governor Hochul vetoed GFA Version 1.0 on January 30, 2023.

GFA-Version 2.0

In response to Governor Hochul’s veto, Senator Holyman-Sigal reintroduced the bill in May 2023—**GFA-Version 2.0 (Senate Bill 2023-S6636)**—with significant revisions in the hopes of obtaining Governor Hochul’s approval. Those revisions included a more specific definition of “close” family members eligible to interpose a claim for wrongful death and a shortened statute of limitations from three years and six months to just three years to bring a wrongful death claim in line with other general negligence actions. Finally, Senator Holyman-Sigal shortened the Bill’s retroactive application to causes of action accruing on or after July 1, 2018. Despite these efforts, GFA Version 2.0 encountered a similar fate, as Governor Hochul vetoed it on December 29, 2023.

What Has Changed with GFA Version 3.0?

Version 3.0 of the GFA is seemingly the same as Version 2.0, emphasizing the ongoing effort to expand compensation for emotional suffering and refining the criteria for eligible claimants while also stating that there are no fiscal implications for state and local governments. Though publicly open to changing New York wrongful death laws, Governor Hochul's two prior vetoes reportedly raised concerns about unintended consequences, including increased insurance premiums, harming hospitals, and uncertainty for consumers and businesses. The current GFA Version 3.0 Bill does not appear to make any compromises addressing these concerns.

The GFA's Impact on New York Insurers

From an insurance claims standpoint, if passed, the GFA is expected to drastically increase the number of wrongful death claims and filings across the state, expanding the potential scope of damages, the number of potential claimants, and the period of time permitted to commence legal action. The practical effect of the GFA's revisions almost guarantees increased legal defense costs, settlement dollars, and administration for wrongful death claims in New York.

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