## ALASKA TORT REFORM SURVEY

SUMMARY OF LEGISLATION AND SURVEY QUESTIONS

## I. The cap on non-economic damages was revised under AS 09.17.010.

•Before 8/7/97, the cap was \$500,000 for each claim based on a separate incident or injury. Damages for disfigurement or severe physical impairment were excluded from the cap.

•After 8/7/97, the cap was reduced to \$400,000 or the injured person's life expectancy in years multiplied by \$8,000, whichever is greater. For permanent physical impairment or severe disfigurement, a cap was introduced of \$1,000,000 or the person's life expectancy in years multiplied by \$25,000, whichever is greater.

1. a) What effect has the revised cap on non-eco business written by your company in Alaska?  increased policy count increased premium written no change other (explain)	decreased policy count decreased premium written
b) If any effect has been noticed, what lines oPhysician/SurgeonHospitalArchitect professional liabilityEngineers professional liabilityLawyers professional liabilityOther professional liability(explain)	Products liabilityPollution liabilityEmployment Practices liabilityAuto liability
c) If no effect has been noticed to date, what cavailability of liability insurance provided by you increased policy count increased premium written no change other (explain)	ur company in Alaska? decreased policy count decreased premium written
2. a) What effect has the revised cap on non-eco coverage written by your company in Alaska?  increased liability rates no change decrease in incurred claim amounts other (explain)	decreased liability rates don't know
b) If any effect has been noticed, what lines oPhysician/SurgeonHospitalArchitect professional liabilityEngineers professional liabilityLawyers professional liabilityOther professional liability(explain)	f business were affected and by how much?Products liabilityPollution liabilityEmployment Practices liabilityAuto liabilityAuto property damage liabilityOther liability (explain)

c) If no effect has been noticed to date, who liability insurance provided by your company increased liability rates no change decrease in incurred claim amount other (explain)	decreased liability rates don't know nts		
3. Do you have any other comments on the effect of the cap on non-economic damages as it relates to the cost and availability of liability insurance provided by your company in Alaska?			
II. A cap on punitive damages became	e effective August 7, 1997 under AS 09.17.020.		
were known to the defendant, then punitive defour times the compensatory damages, or four • in an action against an employer to repunitive damages may not exceed  1) \$200,000 if there are less 2) \$300,000 if there are 100	ed by financial gain and the adverse consequences amages may not exceed the greater of \$7,000,000, times the aggregate amount of financial gain; ecover damages for unlawful employment practices than 100 employees or more but less than 200 employees or more but less than 500 employees		
1. a) Do any liability policies sold by your con yes Answer parts b) a no Skip to Question			
b) What effect has the cap on punitive dam business written by your company in Alaska?  increased policy count increased premium written no change other (explain)	decreased policy count decreased premium written don't know		
c) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability (overlain)	s of business were affected? Products liability Pollution liability Employment Practices liability Auto liability Auto property damage liability Other liability (explain)		

d) If no effect has been noticed to date, what e	
availability of liability insurance provided by you	r company in Alaska?
increased policy count	decreased policy count
increased premium written	decreased premium written
no change	don't know
increased policy count increased premium written no change other (explain)	
2. a) What effect has the cap on punitive damage coverage written by your company in Alaska?  increased liability rates no change decrease in incurred claim amounts other (explain)	decreased liability rates don't know
b) If any effect has been noticed, what lines of	business were affected and by how much?
	Products liability
Hospital	Pollution liability
	Employment Practices liability
Engineers professional liability	
	Auto liability
Lawyers professional liability	Auto property damage liability
Other professional liability (explain)	Other liability (explain)
liability insurance provided by your company in A increased liability rates no change decrease in incurred claim amounts other (explain)  3. Do you have any other comments on the effect	decreased liability rates don't know
the cost and availability of liability insurance pro	vided by your company in Alaska?
III. A new section, AS 09.30.070, was adde future economic damages, future non	d to exclude prejudgment interest for -economic damages, or punitive damages.
1. What effect has the exclusion of prejudgment business written by your company in Alaska?	interest had on the amount of insurance
	decreased policy count
increased pricty count increased premium written	decreased premium written
	decreased premium written don't know
no change other (explain)	
outer (explain)	

b) If any effect has been noticed, what lines of business were affected?

Physician/Surgeon	Products liability
Hospital	Pollution liability
Architect professional liability	Employment Practices liability
Engineers professional liability	Auto liability
Lawyers professional liability	Auto property damage liability
Other professional liability	Other liability (explain)
(explain)	
c) If no effect has been noticed to date, what e	effect is anticipated in the future on the
availability of liability insurance provided by you	
increased policy count	decreased policy count
increased policy count increased premium written	decreased premium written
no change	don't know
no change other (explain)	
O a) What affect has the such size of such days	and interest had an the cost of lightlite in summer
2. a) What effect has the exclusion of prejudgme	ent interest had on the cost of hability insurance
coverage written by your company in Alaska?	domogod lighility notes
increased liability rates	decreased liability rates don't know
no change decrease in incurred claim amounts	
other (explain)	
b) If any effect has been noticed, what lines of	f business were affected and by how much?
Physician/Surgeon	Products liability
Hospital	Pollution liability
Architect professional liability	Employment Practices liability
Engineers professional liability	Auto liability
Lawyers professional liability	Auto property damage liability
Other professional liability	Other liability (explain)
(explain)	
) TO	
	effect is anticipated in the future on the cost of
liability insurance provided by your company in	Alaska?
increased liability rates no change	decreased liability rates
no change	don't know
decrease in incurred claim amounts	
other (explain)	

3. Do you have any other comments on the effect of the exclusion of prejudgment interest as it relates to the cost and availability of liability insurance provided by your company in Alaska?

IV. A new section, AS 09.65.096, was added to ensure that hospitals that comply with disclosure requirements are not liable for the negligence of emergency room physicians who are acting as independent contractors.

1.	Does your company sell hospital liability poli	cies?
	Yes Answer Question IV	7.2.
	Yes Answer Question IV No Skip to Section V.	
2	For a hospital liability policy sold before Aug	ust 7, 1997, did your policy cover negligence of
~.	emergency room physicians acting as independent	
	Yes Answer Question IV	'.3
	Yes Answer Question IV No Skip to Section V.	
3.	For a hospital liability policy sold on or after	August 7, 1997, was the policy revised to exclude
	coverage for the negligence of emergency room	m physicians acting as independent contractors?
	Yes Answer Question IV No Skip to Section V.	7.4.
	No Skip to Section V.	
4.	Were the rates reduced due to the reduction	in coverage?
	Yes By how much?	
	No	<del></del> -
V.		tion for personal injury, death, or property
	AS 09.10.055.	gn defects was reduced from 15 to 10 years,
	A5 09.10.055.	
1.	a) What effect has the revised statute of repo	se had on the amount of insurance business
	ritten by your company in Alaska?	50 1144 011 0110 01110 01 1110 U1 01100 D U1011000
		decreased policy count
	increased policy count increased premium written	decreased premium written
	no change	don't know
	no change other (explain)	
	b) If any effect has been noticed, what lines o	f business were affected?
	Physician/Surgeon	Products liability
	Hospital	Pollution liability
	Physician/Surgeon Hospital Architect professional liability	Employment Practices liability
	Engineers professional liability	Auto liability
	Lawyers professional liability	Auto property damage liability
	Other professional liability	Other liability (explain)
	(explain)	
	a) If no effect has been naticed to date, what	offect is anticipated in the future on the
017	c) If no effect has been noticed to date, what callability of liability insurance provided by you	
av	increased policy count	docrosed policy count
	increased policy count increased premium written	decreased premium written
	no change	don't know
	no change other (explain)	
	otner (explain)	
4.	a) What effect has the revised statute of repo	se had on the cost of liability insurance coverage
	written by your company in Alaska?	one cost of maximy mourance coverage
	increased liability rates	decreased liability rates
	no change	don't know
	decrease in incurred claim amounts	
	other (explain)	

Physician/Surgeon	of business were affected and by how much?
	Products liability
Hospital	Pollution liability
Architect professional liability	Employment Practices liability
Engineers professional liability	Auto liability
Lawyers professional liability	Auto property damage liability
Other professional liability	Other liability (explain)
(explain)	
liability insurance provided by your company i	t effect is anticipated in the future on the cost of n Alaska?
increased liability rates	decreased liability rates
no change	don't know
increased liability rates no change decrease in incurred claim amoun	uts
other (explain)	
3. Do you have any other comments on the eff the cost and availability of liability insurance p	ect of the revised statute of repose as it relates to provided by your company in Alaska?
interest, from 10.5% per year to 3%	nterest on judgments, including prejudgment above the 12 <sup>th</sup> Federal Reserve District I of the year in which the judgment is
1. a) What effect has the revised interest rate	had an the amount of income having an amount of
by your company in Alaska?	nad on the amount of insurance business written
	had on the amount of insurance business written
increased policy count	decreased policy count
increased policy count increased premium written	decreased policy count
increased policy count increased premium written no change	
increased premium written	decreased policy count decreased premium written
increased premium written no change other (explain)	decreased policy count decreased premium written don't know
increased premium written no change other (explain)  b) If any effect has been noticed, what lines	decreased policy count decreased premium written don't know  of business were affected?
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increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability
increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability Employment Practices liability
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increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability Employment Practices liability Auto liability
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increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability (explain) c) If no effect has been noticed to date, wha	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability Employment Practices liability Auto liability Auto property damage liability Other liability (explain)  t effect is anticipated in the future on the
increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability (explain) c) If no effect has been noticed to date, wha availability of liability insurance provided by y	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability Employment Practices liability Auto liability Auto property damage liability Other liability (explain)  t effect is anticipated in the future on the our company in Alaska?
increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability (explain)  c) If no effect has been noticed to date, wha availability of liability insurance provided by y increased policy count	decreased policy countdecreased premium writtendon't know  of business were affected?Products liabilityPollution liabilityEmployment Practices liabilityAuto liabilityAuto property damage liabilityOther liability (explain)  t effect is anticipated in the future on the our company in Alaska?decreased policy count
increased premium written no change other (explain)  b) If any effect has been noticed, what lines Physician/Surgeon Hospital Architect professional liability Engineers professional liability Lawyers professional liability Other professional liability (explain)  c) If no effect has been noticed to date, what availability of liability insurance provided by y increased policy count increased premium written	decreased policy count decreased premium written don't know  of business were affected? Products liability Pollution liability Employment Practices liability Auto liability Auto property damage liability Other liability (explain)  t effect is anticipated in the future on the our company in Alaska? decreased policy count decreased premium written
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2. a) What effect has the revised interest rate has written by your company in Alaska?	nd on the cost of liability insurance coverage
increased liability rates	decreased liability rates
no change	don't know
decrease in incurred claim amounts	
other (explain)	
b) If any effect has been noticed, what lines ofPhysician/SurgeonHospitalArchitect professional liabilityEngineers professional liabilityLawyers professional liabilityOther professional liability(explain) c) If no effect has been noticed to date, what e	business were affected and by how much? Products liability Pollution liability Employment Practices liability Auto liability Auto property damage liability Other liability (explain)  ffect is anticipated in the future on the cost of
liability insurance provided by your company in A	Alaska: decreased liability rates
increased liability rates no change	decreased hability rates don't know
decrease in incurred claim amounts	
other (explain)	
CONTACT INFORMATION	
Name of person completing the survey:	
Title:	
Phone:Fax:	
E-mail:	
Contact address:	
One survey may be completed for each individual aggregate Individual Group	company or for a group of companies in the
NAIC Group Code: NAIC Company Code(s) and Company Na	me(s): (use separate sheet if needed)

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