

Act Number: 07-65

Bill Number: 1384

Senate Pages: 1958, 2152-2155

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House Pages: 3576-3579

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Committee: Judiciary: 3542-3544, 3647

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Page Total:

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Joint Standing Committee hearings, Judiciary. 2007:pt.11

Proceedings / Connecticut General Assembly, House. 2007 v.50:pt.11

Proceedings / Connecticut General Assembly, Senate. 2007v.50:pt.6

Proceedings / Connecticut General Assembly, Senate. 2007v.50:pt.7

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Senate

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Thank you, Mr. President. Calendar 399, Senate Bill 1049, would move to place this item on the foot of the Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 400 should be marked Passed Temporarily.

Calendar 410, Senate Bill 1384, Mr. President,
would move to place this item on the Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 434, House
Bill 7004, would move to place this item on the
Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

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Senate

May 9, 2007

THE CHAIR:

Mr. Clerk.

THE CLERK:

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the first Consent Calendar begins on Calendar Page 1, Calendar 110, Senate Bill 1216.

Calendar Page 3, Calendar 210, House Bill 6840.

Calendar Page 4, Calendar 321, Senate Bill 224.

Calendar Page 5, Calendar 385, House Bill 5259.

Calendar 386, House Bill 6982.

Calendar Page 6, Calendar 410, Senate Bill 1384.

Calendar 434, House Bill 7004.

Calendar Page 8, Calendar 461, Senate Bill 75.

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Calendar 462, Substitute for Senate Bill 170.

Calendar Page 9, Calendar 482, House Bill 5722.

Calendar Page 10, Calendar 494, Substitute for
House Bill 7221.

Calendar Page 11, Calendar 499, House Bill 7024.

Calendar Page 12, Calendar 510, Substitute for
Senate Bill 1109.

Calendar Page 13, Calendar 511, Substitute for
Senate Bill 1140.

Calendar Page 16, Calendar 531, Senate Bill 1156.

Calendar Page 18, Calendar 543, House Bill 6370.

Calendar Page 19, Calendar 548, Substitute for
House Bill 5508.

Calendar 549, Substitute for House Bill 5728.

Calendar Page 27, Calendar 137, Senate Bill 301.

Calendar Page 28, Calendar 178, Substitute for
Senate Bill 1263.

Calendar Page 30, Calendar 258, Senate Bill 1085.

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Calendar Page 31, Calendar 274, Substitute for
Senate Bill 429.

Calendar 300, Senate Bill 1079.

Calendar Page 33, Calendar 315, Substitute for
Senate Bill 1091.

Calendar Page 34, Calendar 336, Substitute for
Senate Bill 1226.

Calendar 337, Senate Bill 260.

Calendar 340, Senate Bill 1416.

And from Senate Agenda No. 2, Substitute for
Senate Bill 1110. Mr. President, that completes those
items previously placed on the first Consent Calendar.

THE CHAIR:

If you can call the Consent Calendar again, Sir,
roll call, I'll open the machine.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

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The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, the machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

Total number voting, 36; those necessary for adoption, 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted. Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. At this point, Mr. President, would call for what we hope will be a relatively brief recess to prepare a second Go list from the items that were marked Passed Temporarily.

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House of Representatives

May 15, 2007

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER AMANN:

The Bill passed as amended. The Clerk please call Calendar Number 636.

CLERK:

On Page 22, Calendar Number 636, Senate Bill Number 1384, AN ACT CONCERNING THE TOLLING OF THE STATUTE OF LIMITATIONS IN WRONGFUL DEATH CASES, Favorable Report of the Committee on Judiciary.

SPEAKER AMANN:

Representative Fox.

REP. FOX: (146th)

Good morning, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

SPEAKER AMANN:

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House of Representatives

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Thank you, Sir. The question is on acceptance of the Joint Committee's Favorable Report and passage of the Bill. Will you remark, Sir?

REP. FOX: (146th)

Thank you, Mr. Speaker. This Bill addresses the current situation where there's civil actions involving a claim against a healthcare provider, and in which a party would petition the Clerk for a 90-day extension on the statute of limitations.

Presently, there's been some discrepancy in the case law with respect to whether that 90-day extension also applies in a wrongful death action.

What this does is, it simply says that in a civil action involving personal injury or wrongful death against a healthcare provider, you may petition the Clerk for the 90-day extension. And I move passage of the Bill.

SPEAKER AMANN:

The question is on acceptance. Will you remark further? Will you remark further? If not, staff and guests, Representative O'Neill.

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REP. O'NEILL: (69th)

Thank you, Mr. Speaker. I would also urge passage. This is a fairly simple and fairly technical Bill affecting healthcare providers in suits against them and the tolling of the statute of limitations against healthcare providers. Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, Sir. Do you care to remark further on the Bill before us? Care to remark further? If not, staff and guests please come to the Well of the House. Members please take your seat. The machine will be opened.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber.

SPEAKER AMANN:

Have all the Members voted? Have all the Members voted? If all the Members have voted, please check the board to make sure your vote has been properly cast.

pat
House of Representatives

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If all the Members have voted, the machine will be locked, and the Clerk will take a tally. The Clerk please announce the tally.

CLERK:

Senate Bill Number 1384, in concurrence with the Senate.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	141
Those voting Nay	1
Those absent and not voting	9

SPEAKER AMANN:

The Bill passed. The Clerk please call Calendar Number 612.

CLERK:

On Page 18, Calendar Number 612, Senate Bill Number 75, AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF ABBAS BANKI, Favorable Report of the Committee on Judiciary.

SPEAKER AMANN:

Representative Lawlor.

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JUDICIARY

March 12, 2007

in order to support this, but it can't start without legislation.

So I think this is a good way to start it. It doesn't put any burdens on anybody and it puts no cost impact on it, but it does start the process.

So when in fact, some of the national lenders say, were going to, we'll now knock a half a point off a mortgage if you give us paper electronically, Connecticut will not be behind the curve in that sense.

SEN. MCDONALD: Thank you. Thank you very much. Are there any questions? Thanks very much, David.

DAVID BICKLEN: Thank you.

SEN. MCDONALD: Next is Tom Cloutier, followed by Representative Taborsak, and then Barry Hawkins.

THOMAS CLOUTIER: Good afternoon.

SEN. MCDONALD: Good to see you again.

THOMAS CLOUTIER: Senator McDonald, Representative Lawlor, and Senator Kissel, Members of the Judiciary Committee, my name is Tom Cloutier.

I'm a former President of the Connecticut Trial Lawyers Association, and on behalf of the Association we'd like to speak in support of Raised Senate Bill 1384, which is AN ACT

CONCERNING THE TOLLING OF THE STATUTE OF
LIMITATIONS IN WRONGFUL DEATH CASES.

This bill would extend the automatic 90-day extension of the statute of limitations, which is provided for under Section 52-190a of the Connecticut General Statutes to personal injury and wrongful death cases.

The existing automatic extension of the statute of limitations was granted to allow plaintiffs bringing medical malpractice actions, additional time to obtain what is called a good faith certificate.

It is the position of the Connecticut Trial Lawyers Association that there are legitimate reasons to grant this automatic extension of the statute of limitations in other cases.

While there was no requirement of a certificate of good faith in wrongful death cases, there are often other delays experienced, which may cause a statute of limitations to toll, or to exclude an action through no fault of the injured party, such as waiting for the executor to be appointed.

It can be a particularly lengthy process when different states are involved in the process. It's become increasingly difficult to obtain police reports in a timely manner, which again may delay the ability to ascertain the proper defendant.

A third issue that arises is most people are aware that there's a two-year statute of

limitations for bringing a personal injury or wrongful death action.

As practicing lawyers, sometimes clients, or potential clients, will come to the office just before that two years is about to expire, and they really don't have enough information in order to determine the meritorious nature of the case, and that the 90-day automatic extension would assist practitioners to make a fair determination as to whether a case ought to be pursued.

This bill would not allow a plaintiff to bring a claim outside the existing statute of limitations.

The way it would work, or the way it's proposed is as in a medical malpractice case, a petition to the Court Clerk is made within the two years, and the Clerk automatically grants the 90-day extension.

The Connecticut Trial Lawyers Association contends that extending this automatic extension of the statute of limitations upon petition to the court is a reasonable measure to ensure that innocent victims are ensured proper recovery for their injuries. Thank you.

SEN. MCDONALD: Thanks very much. Are there any questions? If not, thanks for your testimony.

THOMAS CLOUTIER: Thank you. Thank you for your time.

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Raised Bill 1384
Public Hearing: 3-12-07

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 12, 2007

RE: **SUPPORT OF RAISED BILL 1384 – AN ACT CONCERNING THE TOLLING OF
THE STATUTE OF LIMITATIONS IN WRONGFUL DEATH CASES**

The CTLA supports bill 1384, and respectfully contends that the bill should be passed.

This law would extend the automatic ninety-day extension of the statute of limitations granted under Sec. 52-190a of the general statutes to personal injury and wrongful death cases.

The automatic extension of the statute of limitations was granted to allow plaintiffs bringing medical malpractice claims additional time to obtain a good faith certificate. It is the position of the CTLA that there are legitimate reasons to grant this automatic extension of the statute of limitations in other cases.

- While there is no requirement of a certificate in wrongful death cases, there are often other delays experienced which may cause a statute of limitations to toll through no fault of the injured party, such as waiting for an executor to be appointed. This becomes a particularly lengthy process when different states are involved in the process. Also, it has become increasingly difficult to obtain police reports in a timely manner, which may delay the ability to ascertain who the tortfeasor is.
- **This would not allow a plaintiff to bring a claim outside the existing statute of limitations.** This proposal would only extend the statute of limitations upon petition to the clerk within the normal time frame of the underlying statute of limitations. If the statute of limitations for a cause of action were two years, the plaintiff would have to request the extension within that two-year time frame.

The CTLA contends that extending this automatic extension of the statute of limitations upon petition to the court is a reasonable measure to ensure that innocent victims are ensured proper recovery for their injuries.

WE RESPECTFULLY URGE YOU TO SUPPORT RAISED BILL 1346. Thank you.