



General Assembly

Substitute Bill No. 6773

January Session, 2001

**AN ACT CONCERNING THE RIGHTS OF PERSONS INJURED BY
UNINSURED AND UNDERINSURED DRIVERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 38a-363 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (e) "Private passenger motor vehicle" means a: (1) Private passenger
4 type automobile; (2) station-wagon-type automobile; (3) camper-type
5 motor vehicle; (4) high-mileage-type motor vehicle, as defined in
6 section 14-1; (5) truck-type motor vehicle with a load capacity of fifteen
7 hundred pounds or less, registered as a passenger motor vehicle, as
8 defined in said section, or as a passenger and commercial motor
9 vehicle, as defined in said section, or used for farming purposes; or (6)
10 a vehicle with a commercial registration, as defined in subdivision (12)
11 of said section, or a vehicle with a municipal registration that is
12 designed and suitable for use on a highway. It does not include a
13 motorcycle or motor vehicle used as a public or livery conveyance.

14 Sec. 2. Section 38a-336 of the general statutes is amended by adding
15 subsection (h) as follows:

16 (NEW) (h) There shall be a presumption that a tortfeasor is
17 uninsured if an injured person provides a sworn, written statement to
18 the insurer providing uninsured motorist coverage to such injured
19 person that such injured person is unable to determine whether the

20 tortfeasor was uninsured at the time of the accident that caused such
21 person's injuries. Such sworn, written statement shall contain: (1) A
22 statement by the injured person or such injured person's legal
23 representative that, after reasonable efforts have been made, it cannot
24 be determined whether the tortfeasor was insured at the time of the
25 accident; and (2) a listing of the measures taken to ascertain whether
26 the tortfeasor was insured at the time of the accident. If, at the time of
27 the accident, the tortfeasor presented an insurance identification card
28 to the investigating police officer, the injured person or such injured
29 person's legal representative shall present documentation or
30 information from the insurer designated in such insurance card that
31 confirms that the tortfeasor was not insured by that insurer at the time
32 of the accident. The insurer providing uninsured motorist coverage to
33 such injured person may rebut such presumption by providing written
34 information to its insured that provides the names of all liability
35 insurance companies that provided coverage to the tortfeasor at the
36 time of the accident and the applicable policy numbers and amounts of
37 liability coverage.

38 Sec. 3. This act shall take effect July 1, 2001, and shall be applicable
39 to any claim or cause of action that accrues on or after said date.

JUD *Joint Favorable Subst.*