



# House of Representatives

General Assembly

**File No. 417**

February Session, 2002

Substitute House Bill No. 5745

*House of Representatives, April 9, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE MAKING OF CLAIMS BY INJURED PERSONS FOR UNINSURED MOTORISTS COVERAGE.**

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

1 Section 1. Section 38a-336 of the general statutes is amended by  
2 adding subsection (h) as follows (*Effective October 1, 2002, and applicable*  
3 *to causes of action accruing on or after said date*):

4 (NEW) (h) There shall be a presumption that a tortfeasor is  
5 uninsured if an injured person provides a sworn, written statement to  
6 the insurer providing uninsured motorist coverage to such injured  
7 person that such injured person is unable to determine whether the  
8 tortfeasor was uninsured at the time of the accident that caused such  
9 person's injuries. Such sworn, written statement shall contain: (1) A  
10 statement by the injured person or such injured person's legal  
11 representative that, after reasonable efforts have been made, it cannot  
12 be determined whether the tortfeasor was insured at the time of the  
13 accident, and (2) a listing of the measures taken to ascertain whether

14 the tortfeasor was insured at the time of the accident. If, at the time of  
 15 the accident, the tortfeasor presented an insurance identification card  
 16 to the investigating police officer and the information on such card was  
 17 listed on the accident report, the injured person or such injured  
 18 person's legal representative shall present documentation or  
 19 information from the insurer designated in such insurance card that  
 20 confirms that the tortfeasor was not insured by that insurer at the time  
 21 of the accident. The insurer providing uninsured motorist coverage to  
 22 such injured person may rebut such presumption by providing written  
 23 information to its insured that provides the names of all liability  
 24 insurance companies that provided coverage to the tortfeasor at the  
 25 time of the accident and the applicable policy numbers and amounts of  
 26 liability coverage.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002, and applicable to causes of action accruing on or after said date</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

Explanation

**OLR Bill Analysis**

sHB 5745

**AN ACT CONCERNING THE MAKING OF CLAIMS BY INJURED PERSONS FOR UNINSURED MOTORISTS COVERAGE****SUMMARY:**

This bill creates a rebuttable presumption in a certain situation that a car accident victim's injuries were caused by an uninsured (UM) or underinsured (UIM) motorist, thus triggering coverage under his UM/UIM policy. It specifies actions that the insured must first take to establish the presumption and how his insurer can overcome it.

EFFECTIVE DATE: October 1, 2002, and applicable to claims arising on or after that date.

**PRESUMPTION OF UNINSURED/UNDERINSURED STATUS**

Accident victims establish the presumption by providing their UM/UIM carrier with a sworn, written statement that describes their unsuccessful efforts to ascertain whether the other driver was insured at the time of the accident. The statement must contain:

1. a statement by the accident victim or his legal representative that, after making reasonable efforts, he cannot determine whether the driver was insured at the time of the accident and
2. a list of these efforts.

For accidents where the driver presented an insurance card to an investigating police officer and the officer included such information in the accident report, the bill requires the victim or his legal representative to also give the UM/UIM carrier documentation or information from the insurer named on the card confirming that it did not insure the driver at the time of the accident.

***Overcoming the Presumption***

The bill permits the UM/UIM carrier to overcome the presumption by giving the policyholder a written list of (1) all liability insurance companies that covered the driver at the time of the accident, (2) policy

numbers, and (3) liability coverage limits of each policy.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 10