



General Assembly

Substitute Bill No. 5745

February Session, 2002

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.*