



General Assembly

Substitute Bill No. 5174

January Session, 2003

AN ACT AUTHORIZING DERRICK BETTON TO BRING A CIVIL ACTION AGAINST THE COMMISSIONER OF TRANSPORTATION.

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

1 Section 1. (*Effective from passage*) Notwithstanding any provision of
2 the general statutes, Derrick Betton is authorized to institute and
3 prosecute to final judgment a civil action against the Commissioner of
4 Transportation to recover damages for injuries sustained by him on
5 September 7, 1996, allegedly caused by the negligence of the
6 commissioner in failing to inspect and remove a dead tree within the
7 limits of a state highway. The General Assembly deems such
8 authorization to be just and equitable and finds that such authorization
9 is supported by compelling equitable circumstances and would serve a
10 public purpose. The state waives its immunity from liability and from
11 suit in such action and waives all defenses which might arise from the
12 eleemosynary or governmental nature of the activity complained of.
13 The state shall be barred from setting up the fact that the claim had
14 once been considered by the Claims Commissioner, by the General
15 Assembly or in a judicial proceeding as defenses to such action. The
16 rights and liability of the state in such action shall be coextensive with
17 and shall equal the rights and liability of private persons in like
18 circumstances. The provisions of subsections (d) to (j), inclusive, of
19 section 4-160 of the general statutes shall be applicable to such action.

This act shall take effect as follows:	
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Section 1	<i>from passage</i>
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JUD *Joint Favorable Subst.*