



# House of Representatives

General Assembly

**File No. 587**

January Session, 2005

Substitute House Bill No. 6959

*House of Representatives, April 28, 2005*

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 ACCIDENTS INVOLVING STATE VEHICLES.**

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

1 Section 1. Subsection (a) of section 13b-34 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2005, and applicable to any civil action pending on or filed on or after said*  
4 *date*):

5 (a) The commissioner shall have power, in order to aid or promote  
6 the operation, whether temporary or permanent, of any transportation  
7 service operating to, from or in the state, to contract in the name of the  
8 state with any person, including but not limited to any common  
9 carrier, any transit district formed under chapter 103a or any special  
10 act, or any political subdivision or entity, or with the United States or  
11 any other state, or any agency, instrumentality, subdivision,  
12 department or officer thereof, for purposes of initiating, continuing,  
13 developing, providing or improving any such transportation service.  
14 Such contracts may include provision for arbitration of disputed

15 issues. The commissioner, in order to aid or promote the operation of  
16 any transportation service operating outside the state, may contract in  
17 the name of the state with any person, including, but not limited to,  
18 any common carrier, or with the United States or any other state, or  
19 any agency, instrumentality, subdivision, department or officer  
20 thereof, for purposes of providing any transportation service in the  
21 event such assistance is required in the case of an emergency or a  
22 special event. The state, acting by and through the commissioner, may,  
23 by itself or in concert with others, provide all or a portion of any such  
24 service, share in the costs of or provide funds for such service, or  
25 furnish equipment or facilities for use in such service upon such terms  
26 and conditions as the commissioner may deem necessary or advisable,  
27 and any such contracts may include, without limitation thereto,  
28 arrangements under which the state shall so provide service, share  
29 costs, provide funds or furnish equipment or facilities. To these ends,  
30 the commissioner may in the name of the state acquire or obtain the  
31 use of facilities and equipment employed in providing any such  
32 service by gift, purchase, lease or other arrangements and may own  
33 and operate any such facilities and equipment and establish, charge  
34 and collect such fares and other charges or arrange for such collection  
35 for the use or services thereof as he may deem necessary, convenient or  
36 desirable. The commissioner may also acquire title in fee simple to, or  
37 any lesser estate, interest or right in, any rights-of-way, properties or  
38 facilities, including properties used on or before October 1, 1969, for  
39 rail or other forms of transportation services. The commissioner may  
40 hold such properties for future use by the state and may enter into  
41 agreements for interim use of such properties for other purposes. Any  
42 person contracting with the state pursuant to this section for the  
43 provision of any transportation service shall not be considered an arm  
44 or agent of the state. Any damages caused by the operation of such  
45 transportation service by such person may be recovered in a civil  
46 action brought against such person in the superior court and such  
47 person may not assert the defense of sovereign immunity in such  
48 action.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005, and applicable to any civil action pending on or filed on or after said date</i>	13b-34(a)

**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:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Comptroller - Adjudicated Claims Account	GF - Avoidance of Potential Cost	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill eliminates the state’s liability with respect to the provision of transportation services by any person under contract with the state Department of Transportation. It could thereby preclude future litigation and settlement costs.

**OLR Bill Analysis**

sHB 6959

**AN ACT CONCERNING ACCIDENTS INVOLVING STATE VEHICLES****SUMMARY:**

This bill specifies that a person who provides transportation services pursuant to a state contract with the Department of Transportation (DOT) commissioner is not an arm or agent of the state. The bill provides that any person harmed by the contractor's operation of service may sue him for damages in Superior Court. The bill prohibits the contractor from asserting sovereign immunity as a defense in the suit. The doctrine of sovereign immunity protects states from being sued.

EFFECTIVE DATE: July 1, 2005 and applicable to civil actions pending on or filed on or after that date.

**BACKGROUND*****Transportation Services***

The DOT commissioner can enter into contracts, in the name of the state, with any person or entity to initiate, continue, develop, provide, or improve transportation services, typically bus or rail services, within and outside of the state.

***Related Case***

In *Gordon v. H. N. S. Management, Inc.*, 272 Conn. 81 (2004), the state Supreme Court held that the defendant, a private company that contracted with the state to operate public transportation services, was an arm of the state and entitled to claim sovereign immunity in an action by a driver and passenger for underinsured and uninsured motorist benefits.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 37 Nay 0