



**Property Casualty Insurers  
Association of America**

Shaping the Future of American Insurance

2600 South River Road, Des Plaines, IL 60018-3286

March 24, 2006

**RE: STATEMENT OF THE PROPERTY CASUALTY INSURERS ASSOCIATION OF  
AMERICA (PCI) IN OPPOSITION TO HOUSE BILL 5730 AN ACT CONCERNING THE  
PRESUMPTION OF UNINSURED MOTORIST STATUS OF A TORTFEASOR AFTER  
REASONABLE SEARCH BY THE INSURED**

Dear Senator McDonald, Representative Lawlor and Members of the Committee:

The Property Casualty Insurers Association of America (PCI) is a national property and casualty insurance company trade association that represents over 1000 member companies. PCI members provide almost 53% of Connecticut's personal auto coverage.

House Bill 5730 would establish a presumption that a tortfeasor was uninsured for purposes of a claim if the insured submits a sworn, written statement that the insured is unable to determine if the tortfeasor was insured at the time of the accident despite reasonable efforts to do so. PCI is strongly opposed to this legislation because it would lead to increased uninsured motorist claims and, ultimately, increased premiums for Connecticut drivers.

Currently, the fact finder makes the determination regarding whether the plaintiff has met its burden of showing that reasonable attempts have been made to identify whether a tortfeasor is insured and thereby qualify a claim for uninsured motorist benefits. PCI would submit that this is appropriate. This bill would, for all intents and purposes, shift the burden of proof in this regard from the plaintiff to the defendant which is contrary to our system of jurisprudence. PCI believes that this significant departure from traditional rules of civil practice is not warranted, nor would its impact be beneficial. On the contrary, this presumption would likely inequitably tip the scales in favor of determining that a tortfeasor was uninsured which would thereby unnecessarily increase uninsured motorist claims.

Under this legislation, the insurer would only be able to rebut the uninsured motorist presumption by providing the insured with written evidence that the tortfeasor was insured at the time of the accident and such written evidence would be required to include the names, policy numbers and limits of all insurance companies which insured the tortfeasor at the time of the accident. Clearly, this would seem to be a very difficult burden for the insurer to meet. Further, we would submit that it is questionable why a tortfeasor would still be deemed uninsured under this legislation if the insurer submitted written evidence of coverage at the time of the accident, but was unaware of all of the tortfeasor's policies and was therefore unable to submit information relative to all policies which the tortfeasor had in effect at the time of the accident.

While it may seem appealing to make it easier to access uninsured motorist coverage, it is important to bear in mind that to the extent that this results in increased costs for the insurance company, such costs will be passed along to Connecticut drivers through higher premiums.

Accordingly, for the foregoing reasons, PCI urges your Committee to decline to advance this legislation. Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Kristina Baldwin".

Kristina L. Baldwin