



General Assembly

**Substitute Bill No. 5730**

February Session, 2006

\*        HB05730JUD        032706        \*

**AN ACT CONCERNING THE PRESUMPTION OF UNINSURED OR UNDERINSURED MOTORIST STATUS OF A TORTFEASOR AFTER REASONABLE SEARCH BY THE INSURED.**

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, 2006, and applicable*  
3       *to causes of action accruing on or after said date*):

4       (NEW) (h) (1) There shall be a presumption that a tortfeasor was  
5       uninsured or underinsured for purposes of a claim if an insured  
6       submits to the insured's automobile liability insurance company (A) a  
7       sworn, written statement that the insured is unable to determine if the  
8       tortfeasor was insured at the time of the accident, and (B) any  
9       documentation or information required under subdivision (2) of this  
10       subsection. The sworn, written statement shall contain: (i) A statement  
11       by the insured or such insured's legal representative that, after  
12       reasonable efforts were made, it could not be determined whether the  
13       tortfeasor was insured at the time of the accident; and (ii) a list of the  
14       reasonable efforts made to determine whether the tortfeasor was  
15       insured at the time of the accident, such efforts to include, but not be  
16       limited to, proof of the mailing by certified mail to the last known  
17       address of the tortfeasor of a letter requesting an affidavit signed by  
18       the tortfeasor, or the tortfeasor's legal representative, indicating  
19       whether or not the tortfeasor was insured at the time of the accident.

20 (2) If, at the time of the accident, the tortfeasor presented an  
21 insurance identification card to the investigating police officer, the  
22 insured or the insured's legal representative shall present  
23 documentation or information from the insurer identified on the  
24 insurance identification card that confirms that the tortfeasor was not  
25 insured by that insurer at the time of the accident.

26 (3) An automobile liability insurance company may rebut such  
27 presumption by providing the insured with written evidence that the  
28 tortfeasor was insured at the time of the accident. Such written  
29 evidence shall include the names of all automobile liability insurance  
30 companies that insured the tortfeasor at the time of the accident, the  
31 applicable policy numbers and the limits of liability under all bodily  
32 injury liability bonds and insurance policies applicable at the time of  
33 the accident.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to causes of action accruing on or after said date</i>	38a-336

**JUD**      *Joint Favorable Subst.*