



General Assembly

February Session, 2006

**Raised Bill No. 593**

LCO No. 2308

\*02308\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING OFFERS OF COMPROMISE AND OFFERS OF JUDGMENT.**

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

1 Section 1. Subsection (b) of section 52-192a of the 2006 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2006, and applicable to offers of compromise*  
4 *filed on or after said date*):

5 (b) In the case of any action to recover damages resulting from  
6 personal injury or wrongful death, [whether in tort or in contract, in  
7 which it is alleged that such injury or death resulted from the  
8 negligence of a health care provider,] an offer of compromise pursuant  
9 to subsection (a) of this section shall state with specificity all damages  
10 then known to the plaintiff or the plaintiff's attorney upon which the  
11 action is based. At least sixty days prior to filing such an offer, the  
12 plaintiff or the plaintiff's attorney shall provide the defendant or the  
13 defendant's attorney with an authorization to disclose medical records  
14 that meets the privacy provisions of the Health Insurance Portability  
15 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended  
16 from time to time, or regulations adopted thereunder, and disclose any

17 and all expert witnesses who will testify as to the prevailing  
18 professional standard of care. The plaintiff shall file with the court a  
19 certification that the plaintiff has provided each defendant or such  
20 defendant's attorney with all documentation supporting such  
21 damages.

22 Sec. 2. Section 52-194 of the 2006 supplement to the general statutes  
23 is repealed and the following is substituted in lieu thereof (*Effective*  
24 *October 1, 2006, and applicable to offers of compromise filed on or after said*  
25 *date*):

26 In any action, the plaintiff may, [within sixty] not later than ten days  
27 after being notified by the defendant of the filing of an offer of  
28 compromise, file with the clerk of the court a written acceptance of the  
29 offer signed by the plaintiff or the plaintiff's attorney agreeing to settle  
30 the underlying action for the sum certain specified in the defendant's  
31 offer of compromise. Upon the filing of the written acceptance and  
32 receipt by the plaintiff of such sum certain, the plaintiff shall file a  
33 withdrawal of the action with the clerk of the court and the clerk shall  
34 record the withdrawal of the action against the defendant accordingly.  
35 No trial may be postponed because the period within which the  
36 plaintiff may accept the offer has not expired, except at the discretion  
37 of the court.

38 Sec. 3. (*Effective from passage*) Sections 52-192a to 52-195, inclusive, of  
39 the general statutes, revision of 1958, revised to January 1, 2005, shall  
40 be applicable to any cause of action accruing prior to October 1, 2005.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to offers of compromise filed on or after said date</i>	52-192a(b)

Sec. 2	<i>October 1, 2006, and applicable to offers of compromise filed on or after said date</i>	52-194
Sec. 3	<i>from passage</i>	New section

**Statement of Purpose:**

To amend provisions concerning offers of compromise and offers of judgment to provide that: (1) Notice of damages and expert witnesses and authorization to disclose medical records be required in all actions, rather than in only actions alleging negligence of a health care provider as is currently provided, (2) in any civil action, the plaintiff shall be required to file an acceptance of an offer of compromise not later than ten days after the offer is filed, rather than sixty days after the offer is filed as is currently provided, and (3) to clarify that the offer of judgment provisions in effect prior to the effective date of public act 05-275 are applicable to actions accruing before October 1, 2005.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*