

Statement

Insurance Association of Connecticut

Judiciary Committee

March 24, 2006

HB 5732, An Act Concerning Apportionment of Liability

The Insurance Association of Connecticut urges your support of HB 5732, An Act Concerning Apportionment of Liability.

HB 5732 simply seeks to eliminate a double standard occurring under our apportionment laws. Currently any party that has settled or been released from an action, can still be considered for apportionment purposes. The same may not hold true when the action has been withdrawn against a party.

Because section 52-102b language contemplates apportionment against settled and released parties, some courts have interpreted that to mean that apportionment cannot be brought against a withdrawn party. Why should a party, who out of the mercy of the plaintiff, escape culpability of liability simply because the action was withdrawn against them? This change should also be made to Section 52-572h(n).

HB 5732 seeks to codify the intent of the apportionment statutes, by making sure that all culpable parties' fault is considered and no one party bears the sole responsibility. Such an unjust outcome is why this very legislature did away with joint and several liability back in the late 80's. Permitting the courts to release withdrawn parties from culpability is permitting courts to permit joint and several liability.

The IAC urges your support of HB 5732 and changing Section 52-572h(n).