

Statement

Insurance Association of Connecticut

Judiciary Committee

March 12, 2007

SB 1389, An Act Concerning The Tolling Of The Statute Of  
Limitations For A Negligence Action By A Minor

The Insurance Association of Connecticut is opposed to SB 1389, An Act Concerning The Tolling Of The Statute Of Limitations For A Negligence Action By A Minor, which seeks to toll the statute of limitations for minors until they reach the age of majority.

Statute of limitations is designed to provide a finite time in which a person can assert their rights and protect parties from limitless litigation. Statute of limitations ensures that information is available and evidence does become stale. How would defendants, whose rights are protected by the statute of limitations, be able to defend against such claims? How is a defendant to defend against a claim, potentially 20 years after the event happened? What if the defendant had no knowledge that a child had a potential claim? SB 1389 will make it extremely difficult to gather evidence that may be relevant to the defense of the claim. For instance, it would be very burdensome to obtain evidence as to intervening causes. Furthermore, parties will be forced to find evidence that may no longer exist or locate witnesses who may no longer be available.

Additionally, HB 1389, as drafted, is not limited to courses of action that arise after the effective date . As such, it could apply to a cause of action that occurred 5, 10, 15 years ago, thus granting to individuals rights that did not exist at the time of the loss.

The IAC urges your rejection of SB 1389.