



House of Representatives

File No. 878

General Assembly

January Session, 2009

(Reprint of File No. 267)

Substitute House Bill No. 5436
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2009

**AN ACT CONCERNING GUIDE OR ASSISTANCE DOGS AND
AUTOMOBILE INSURANCE COVERAGE.**

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

1 Section 1. Section 38a-334 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) The Insurance Commissioner shall adopt regulations with
4 respect to minimum provisions to be included in automobile liability
5 insurance policies issued after the effective date of such regulations
6 and covering private passenger motor vehicles, as defined in
7 subsection (e) of section 38a-363, motor vehicles with a commercial
8 registration, as defined in section 14-1, motorcycles, as defined in
9 section 14-1, motor vehicles used to transport passengers for hire,
10 motor vehicles in livery service, as defined in section 13b-101, and
11 vanpool vehicles, as defined in section 14-1, registered or principally
12 garaged in this state. Such regulations shall (1) relate to the insuring
13 agreements, exclusions, conditions and other terms applicable to the
14 (A) bodily injury liability, (B) property damage liability, (C) medical
15 payments, and (D) uninsured motorists coverages under such policies,

16 [shall] (2) make mandatory the inclusion of bodily injury liability,
17 property damage liability and uninsured motorists coverages, and
18 [shall] (3) include a provision that the insurer shall, upon request of the
19 named insured, issue or arrange for the issuance of a bond which shall
20 not exceed the aggregate limit of bodily injury coverage for the
21 purpose of obtaining release of an attachment.

22 (b) The commissioner, before adopting such regulations or any
23 subsequent modifications or amendments thereof, shall consult with
24 insurers licensed to write automobile liability insurance in this state
25 and other interested parties. Nothing contained in such regulations or
26 in sections 38a-334 to 38a-336a, inclusive, as amended by this act, 38a-
27 338 and 38a-340 shall prohibit any insurer from affording broader
28 coverage under a policy of automobile liability insurance than that
29 required by such regulations.

30 (c) For the purposes of subparagraph (B) of subdivision (1) of
31 subsection (a) of this section and section 38a-335, as amended by this
32 act, in the event of the death of a guide dog or assistance dog that has
33 been or is being trained by a guide dog or assistance dog organization
34 that is a member in good standing of a professional association of
35 guide dog or assistance dog organizations, where such death was the
36 fault of the operator of an insured motor vehicle, the replacement
37 value of such guide dog or assistance dog shall be the cost to replace
38 such dog with a comparably trained guide dog or assistance dog. If the
39 guide dog or assistance dog was attended by the owner or the owner
40 was in close proximity to the dog, the provisions of section 22-364 shall
41 not be used as a special defense.

42 Sec. 2. Section 38a-335 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective January 1, 2010*):

44 (a) Each automobile liability insurance policy shall provide
45 insurance in accordance with subsection (c) of section 38a-334, as
46 amended by this act, and the regulations adopted pursuant to section
47 38a-334 against loss resulting from the liability imposed by law, with

48 limits not less than those specified in subsection (a) of section 14-112,
49 for damages because of bodily injury or death of any person and injury
50 to or destruction of property arising out of the ownership,
51 maintenance or use of a specific motor vehicle or motor vehicles within
52 any state, territory, or possession of the United States of America or
53 Canada.

54 (b) Each automobile liability insurance policy issued, renewed,
55 amended or endorsed on or after October 1, 1988, and covering a
56 private passenger motor vehicle as defined in subsection (e) of section
57 38a-363, shall contain or have attached thereto a conspicuous statement
58 specifying whether the policy provides liability, collision or
59 comprehensive coverage for damage to a rented private passenger
60 motor vehicle and, where the policy provides such coverage, the limit
61 of coverage provided and whether any deductible amount applies.

62 (c) Each automobile liability insurance policy issued, renewed,
63 amended or endorsed on or after April 8, 1974, shall provide that if the
64 provisions of the motor vehicle financial responsibility law or the
65 motor vehicle compulsory insurance law or any similar law of any
66 state, territory or possession of the United States of America or any
67 Province of Canada, require insurance with respect to the operation or
68 use of the motor vehicle in such state, territory, possession or province
69 and such insurance requirements are greater than the insurance
70 provided by the policy, the limits of the company's liability and the
71 kinds of coverage afforded by the policy shall be as set forth in such
72 law, in lieu of the insurance otherwise provided by the policy, but only
73 to the extent required by such law and only with respect to the
74 operation or use of the motor vehicle in such state, territory, possession
75 or province; provided the insurance under this subsection shall be
76 reduced to the extent that there is other valid and collectible insurance
77 under such policy or any other motor vehicle insurance policy. In no
78 event shall any person be entitled to receive duplicate payments for
79 the same element of loss.

80 (d) With respect to the insured motor vehicle, the coverage afforded

81 under the bodily injury liability and property damage liability
82 provisions in any such policy shall apply to the named insured and
83 relatives residing in his household unless any such person is
84 specifically excluded by endorsement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	38a-334
Sec. 2	<i>January 1, 2010</i>	38a-335

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill as amended sets the replacement value of a guide or assistance dog killed by a motor vehicle operator and does not result in a fiscal impact.

House "A" makes certain requirements and limitations related to the guide or assistance dogs applicable under the bill, eliminates a specific defense against claimants related to roaming dogs, and does not result in a fiscal impact.

The Out Years

None

OLR Bill Analysis**sHB 5436 (as amended by House "A")******AN ACT CONCERNING GUIDE OR ASSISTANCE DOGS AND
AUTOMOBILE INSURANCE COVERAGE.*****SUMMARY:**

This bill sets the replacement value of a guide or assistance dog whose death an insured motor vehicle operator causes and specifies that the dog has to have been or be in the training process by a guide or assistance dog training organization that is a member in good standing of a professional association of guide or assistance dog organizations.

The bill requires that, for an uninsured driver and claim settlement purposes under an auto insurance policy's property damage liability provisions, the replacement value is the cost to replace the dog with a comparably trained guide or assistance dog. (All dogs are already considered property for purposes of settling property damage claims.)

Under the bill, when the owner attended or was in close proximity to the guide or assistance dog in the case of such an accident, a defendant may not use as a special defense that the dog was roaming at large on public land in violation of the law. By law, dogs must be attended by or under control of their owners at all times. An unattended or uncontrolled (a roaming) dog's unauthorized presence on property other than the owner's, including public highways, is prima facie evidence of a violation of the law and an infraction.

The bill also makes technical changes.

*House Amendment "A" eliminates a requirement that a replacement assistance or guide dog be from the same or similar

facility from which the dog that died was obtained. It specifies that the (1) dog has to be trained by a training organization in good standing with professional association of guide or assistance dog organizations and (2) owner's attending or being in close proximity of the dog eliminates the roaming dog violation as a special defense.

EFFECTIVE DATE: January 1, 2010

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/10/2009)