



# Senate

General Assembly

**File No. 43**

January Session, 2009

Substitute Senate Bill No. 894

*Senate, March 9, 2009*

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT REQUIRING DISCLOSURE OF AUTOMOBILE LIABILITY INSURANCE POLICY LIMITS PRIOR TO THE FILING OF A CLAIM.***

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) Not later than  
2 fourteen days after an insurer receives a written request by, or on  
3 behalf of, an individual that alleges the individual has suffered bodily  
4 injury or death caused in a motor vehicle collision by an insured under  
5 an automobile liability insurance policy issued by the insurer, the  
6 insurer shall provide written disclosure of such insured's insurance  
7 policy limits to the individual making the request. The disclosure shall  
8 be provided in accordance with subsection (c) of this section.

9 (b) Each written request for disclosure shall be accompanied by a  
10 letter from an attorney-at-law admitted to practice in this state, with or  
11 without an affidavit, that sets forth: (1) The type of claim alleged  
12 against the insured; (2) the date and approximate time of the alleged  
13 incident that gave rise to the request for disclosure; and (3) a general  
14 description of the injuries alleged to have been caused by the insured.

15 An attorney-at-law who submits a letter requesting disclosure  
 16 pursuant to this section shall include the attorney's juris number in the  
 17 letter. The contents of any letter or affidavit requesting disclosure of  
 18 insurance policy limits pursuant to this section shall not be admissible  
 19 in evidence in any civil action involving the injury or death that gave  
 20 rise to the request for disclosure.

21 (c) The disclosure provided by the insurer shall (1) indicate all  
 22 coverage provided by the insurer to the insured, including, but not  
 23 limited to, any applicable umbrella or excess liability insurance issued  
 24 by the insurer, and (2) include copies of applicable declaration pages  
 25 or similar materials that reflect the insurance coverage provided by the  
 26 insurer to the insured.

27 (d) (1) The disclosure required under subsections (a) to (c),  
 28 inclusive, of this section shall be applicable to requests for disclosure  
 29 made on any claim filed on or after October 1, 2009.

30 (2) The requirements of this section shall only apply to an insurer  
 31 with respect to a policy that insures against loss or damage on account  
 32 of the bodily injury or death of any person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

**Statement of Legislative Commissioners:**

Subsections (a) and (e) were merged as new subsection (d) for consistency with the drafting conventions of the general statutes and the subsections were relettered accordingly with conforming changes.

**INS**      *Joint Favorable Subst.*

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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.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill specifies how automobile liability insurers should respond to a request from certain policyholders regarding the limits of coverage under the applicable policy and it does not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 894*****AN ACT REQUIRING DISCLOSURE OF AUTOMOBILE LIABILITY INSURANCE POLICY LIMITS PRIOR TO THE FILING OF A CLAIM.*****SUMMARY:**

This bill requires an automobile liability insurer to disclose the limits applicable under a policy it issued within 14 days after receiving a written request for it. The request must be made by, or on behalf of, a person alleging bodily injury or death resulting from a motor vehicle collision involving a person the insurer's policy covers. The disclosure must be in writing and indicate all coverage the insurer provides to the insured, including any applicable umbrella or excess liability insurance, and include copies of declaration pages or similar material identifying the insurance coverage the insurer provides the insured.

The bill requires that a letter from an attorney licensed to practice in Connecticut, with or without an affidavit, accompany a written request for the policy limits and include certain information. The bill makes the contents of any such letter or affidavit inadmissible as evidence in a civil action regarding the injury or death that gave rise to the policy limit request.

The bill only applies with respect to policies that insure against loss or damage on account of bodily injury or death.

EFFECTIVE DATE: October 1, 2009, and applicable to claims filed on or after that date.

**ATTORNEY LETTER**

The attorney's letter must include:

1. his or her juris number,

2. the type of claim alleged against the insured,
3. the date and approximate time the alleged incident occurred,  
and
4. a general description of the injuries the insured is alleged to have  
caused.

**COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 13 Nay 6 (02/19/2009)