



**Raised Bill 5378
Public Hearing: 3/24/2010**

**TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION
DATE: MARCH 24, 2010**

**RE: SUPPORT RAISED BILL NO. 5378; AN ACT CONCERNING THE
TOLLING OF TIME PERIODS FOR BRINGING A DRAM SHOP
ACTION WHILE POLICE INVESTIGATIONS ARE PENDING**

The Connecticut Trial Lawyers Association urges you to support Raised Bill No. 5378.

Sometime during the summer of 2008, due to budget reasons, the City of Bridgeport disbanded its Accident Investigation Unit. As a result of the dissolution of that unit, no fatal or serious motor vehicle accidents occurring within the City of Bridgeport were investigated for over a year. We were advised in late November of 2009 by a member of that team that virtually no investigations as of that date had yet been worked on as they have no funding. It is believed that situation still exists today and that the case files are essentially locked away in a cabinet.

The State Police Accident Investigation Unit frequently takes a year to complete its investigations of serious and fatal accidents.

In order to pursue certain types of claims, claimants have to file a notice of intention to pursue those claims. The most common notice is for pursuing a Dram Shop claim. A Dram Shop claim is a limited claim that can be filed against a bar or restaurant which "over-serves" an operator of a vehicle that goes on to kill or injure an innocent person. The statute which allows the Dram Shop Claim requires that a notice of an intention to pursue the claim be filed with the establishment that served the alcohol within 120 days of the service.

Frequently, the only way to learn where a drunk driver was served alcohol is via the police report. However, with cities such as Bridgeport not working on those reports, it becomes impossible for the victim of the drunk driver to file the claim.

I would encourage you to support Raised Bill 5378. It is a bill of fairness. More importantly it is a bill which supports the victims of drunk drivers. People who have valid Dram Shop claims, as well as other claims, are losing their opportunity to pursue those claims simply because police reports are not being released in a timely fashion. This bill allows for a limited extension of time, so that the law enforcement officials have an opportunity to complete their investigation.