



General Assembly

February Session, 2010

**Raised Bill No. 5532**

LCO No. 2496

\*02496\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING PREJUDGMENT REMEDIES.***

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

1 Section 1. Section 52-278b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 Notwithstanding any provision of the general statutes, [to the  
4 contrary,] no prejudgment remedy shall be available to a person in any  
5 action at law or equity: (1) [unless he] Unless such person has  
6 complied with the provisions of sections 52-278a to 52-278g, inclusive,  
7 except an action upon a commercial transaction wherein the defendant  
8 has executed a waiver as provided in section 52-278f, [or] (2) for the  
9 garnishment of earnings as defined in subdivision (5) of section 52-  
10 350a, or (3) where such action is founded in tort and seeks to recover  
11 damages for personal injury, wrongful death or property damage.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	52-278b
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***Statement of Purpose:***

To clarify the original intent of law and limit the application of prejudgment remedies to contractual disputes by prohibiting application of prejudgment remedies in pure tort claims.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*