



General Assembly

February Session, 2010

Raised Bill No. 481

LCO No. 2499

02499_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING SEAT SAFETY BELT EVIDENCE AND
MEDICAL EXAMINATIONS IN PERSONAL INJURY ACTIONS.**

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

1 Section 1. Subdivision (3) of subsection (c) of section 14-100a of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010, and applicable to actions filed on or after*
4 *said date*):

5 [(3) Failure to wear a seat safety belt shall not be considered as
6 contributory negligence nor shall such failure be admissible evidence
7 in any civil action.]

8 (3) In any civil action to recover damages for personal injury as a
9 result of negligence in the operation of a private passenger motor
10 vehicle, the trier of fact shall determine whether any occupant of such
11 motor vehicle was wearing a seat safety belt in accordance with this
12 section at the time of such personal injury. Evidence of failure to wear
13 a seat safety belt may be admissible in such action for the purpose of
14 determining the cause of such personal injury and may be considered
15 as a mitigating circumstance in the award of damages.

16 Sec. 2. Subdivision (4) of subsection (d) of section 14-100a of the
 17 general statutes is repealed and the following is substituted in lieu
 18 thereof (*Effective October 1, 2010*):

19 (4) No person shall restrain a child in a booster seat unless the
 20 motor vehicle is equipped with a [safety] seat safety belt that includes
 21 a shoulder belt and otherwise meets the requirement of subsection (b)
 22 of this section.

23 Sec. 3. Section 52-178a of the general statutes is repealed and the
 24 following is substituted in lieu thereof (*Effective October 1, 2010, and*
 25 *applicable to actions filed on or after said date*):

26 In any action to recover damages for personal injuries, [the court or
 27 judge may order the plaintiff to submit to a physical examination by
 28 one or more physicians or surgeons. No party may be compelled to
 29 undergo a physical examination by any physician to whom he objects
 30 in writing submitted to the court or judge] any party adverse to the
 31 plaintiff may request that the plaintiff submit to a physical or mental
 32 examination by one or more health care providers. The request shall be
 33 filed with the court and shall specify the time, place, manner,
 34 conditions and scope of the examination and the persons by whom the
 35 examination is to be made. The plaintiff shall comply with such
 36 request unless, not later than ten days after the filing of the request, the
 37 plaintiff files in writing with the court an objection to the request
 38 specifying the portions of the request that are the subject of the
 39 objection and the reasons for such objection. The court shall order the
 40 plaintiff to submit to such examination except upon a showing of good
 41 cause by the plaintiff that such examination should not be ordered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010, and applicable to actions filed on or after said date</i>	14-100a(c)(3)
Sec. 2	<i>October 1, 2010</i>	14-100a(d)(4)

Sec. 3	<i>October 1, 2010, and applicable to actions filed on or after said date</i>	52-178a
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Statement of Purpose:

To: (1) Permit the introduction of evidence of whether an occupant was wearing a seat safety belt at the time of personal injury in an action to recovery damages for the purpose of determining the cause of injury or as a mitigating circumstance, and (2) require a plaintiff to comply with a request for an independent medical examination in a personal injury action, except upon a showing of good cause by the plaintiff.

[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.]