CONNECTICUT TRIAL LAWYERS ASSOCIATION

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Hearing Date: 3/2/11
Bill No: 507

TO: MEMBERS OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: THE CONNECTICUT TRIAL LAWYERS ASSOCIATION

RE: OPPOSITION TO SB507 AAC MUNICIPAL LIABILITY FOR ACTIVITIES ON RECREATIONAL FACILITIES

It is the position of the Connecticut Trial Lawyers Association that adding municipalities, political subdivisions of the state, nonprofit municipal corporations and railroads to the recreational land use liability law is against public policy, unwarranted and **provides an undue burden on injured victims who sustain their injuries on public lands through no fault of their own.** The Connecticut Constitution guarantees in section 10 that "***All courts shall be open, and every person, for an injury done to him in person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.***" These proposals close the doors of the courts to injured people, merely because of where that injury occurred.

The original intention of the narrow immunity provided to private land owners in the recreational land use statute was to offer them an incentive to open their lands to public use, as they were under no compulsion by law to do so. There is no need to likewise encourage municipalities, as they have always historically made their open space open to the public, as it is the public's land.

The Connecticut Supreme Court, in Conway v. Wilton, 238 Conn. 653, laid out how including these municipalities in this statute would be against public policy, since municipalities, through taxes, spread the costs of negligence among residents, thereby shifting the burden of municipal negligence away from the injured party, who under this bill would be not only hurt but also held footing the entire bill for their recovery!

In fact, the Conway court stated ***"[t]o apply the act to municipalities imposes too high a societal cost and serves no useful or intelligible purpose."***, emphasis added.

Finally, the addition is unwarranted as well because municipalities already enjoy a powerful defense under the doctrine of governmental immunity.

PLEASE OPPOSE SENATE BILL 507
AAC MUNICIPAL LIABILITY FOR ACTIVITIES ON RECREATIONAL FACILITIES