



General Assembly

January Session, 2011

**Raised Bill No. 1232**

LCO No. 5098

\*05098 \_\_\_\_\_ JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING MUNICIPAL IMMUNITY FOR THE NEGLIGENT ACTS OR OMISSIONS OF EMPLOYEES, OFFICERS AND AGENTS.**

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

1 Section 1. Subsection (a) of section 52-557n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2011*):

4 (a) (1) Except as otherwise provided by law, a political subdivision  
5 of the state shall be liable for damages to person or property caused by:  
6 (A) The negligent acts or omissions of such political subdivision or any  
7 employee, officer or agent thereof acting within the scope of his  
8 employment or official duties; (B) negligence in the performance of  
9 functions from which the political subdivision derives a special  
10 corporate profit or pecuniary benefit; and (C) acts of the political  
11 subdivision which constitute the creation or participation in the  
12 creation of a nuisance; provided, no cause of action shall be  
13 maintained for damages resulting from injury to any person or  
14 property by means of a defective road or bridge except pursuant to  
15 section 13a-149. (2) Except as otherwise provided by law, a political  
16 subdivision of the state shall not be liable for damages to person or

17 property caused by: (A) Acts or omissions of any employee, officer or  
18 agent which constitute criminal conduct, fraud, actual malice or wilful  
19 misconduct; or (B) negligent acts or omissions which require the  
20 exercise of judgment or discretion as an official function of the  
21 authority expressly or impliedly granted by law, provided such  
22 negligent act or omission occurs at a planning or decision-making level  
23 and not at an operational level.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	52-557n(a)

**Statement of Purpose:**

To provide that municipal immunity for negligent acts or omissions which require the "exercise of judgment or discretion" of municipal employees, officers or agents shall apply at the planning or decision-making level but shall not apply at the operational level.

*[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.]*