

CONNECTICUT  
TRIAL LAWYERS  
ASSOCIATION



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Hearing Date: 1/31/11

Bill No.: 831

TO: MEMBERS OF THE ENVIRONMENT COMMITTEE

FROM: THE CONNECTICUT TRIAL LAWYERS ASSOCIATION

RE: OPPOSITION TO SB831 AAC MUNICIPAL LIABILITY FOR  
RECREATIONAL ACTIVITIES ON CERTAIN OPEN SPACE LANDS

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It is the position of the Connecticut Trial Lawyers Association that adding municipalities, political subdivisions of the state and nonprofit municipal corporations 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 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 SB831 -  
AAC MUNICIPAL LIABILITY FOR RECREATIONAL ACTIVITIES ON CERTAIN  
OPEN SPACE LANDS.**