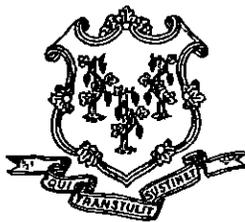


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Good Afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I would like to express my support for two bills on your agenda today: SB 887, AN ACT CONCERNING UNINSURED AND UNDERINSURED MOTORIST COVERAGE FOR BODILY INJURY TO A NAMED INSURED OR RELATIVE DURING THE THEFT OF A MOTOR VEHICLE and SB 965, AN ACT CONCERNING THE USE OF AN IGNITION INTERLOCK DEVICE UPON A FIRST DRUNKEN DRIVING CONVICTION

SB 887, addresses a quirk in Connecticut's insurance laws that can create an unintended conundrum for the few affected by it. This involves a situation in which a person is hit by his or her own car that has been taken without the owner's permission. When a car is taken without the owner's permission, it is declared uninsured. This is meant to protect the vehicle owner. Connecticut statutes also prevent the owner from filing an uninsured motorist claim on his or her own vehicle; this is to encourage vehicle owners to insure their vehicles. However, if these two statutes operate together, when a vehicle owner is injured by his or her own vehicle that has been taken without permission there is no way to make a claim. This was not the intent of the legislature when it passed

these two provisions; there was not an intent to have the two provisions work together in such a way as to deny recovery to a person who is hit by his or her own vehicle that has been stolen. I am aware of two cases with a similar fact pattern; two judges made opposite decisions as to recovery. In Peirola v. American National Fire Insurance Company, CV 9455936s (1997), Judge Rittenband held that the named insured could in fact collect under the uninsured motorist policy. He correctly noted that this situation was not in the mind of the legislature in passing that legislation. However, in Maynard v. Geico General Insurance Company, CV06 5004144s (2009), Judge Corradino held that the plaintiff could not recover due to the statutory language. I am hopeful that SB 887 will clarify legislative intent on this issue.

SB 965 is similar to the ignition interlock device provisions of HB 6391 which you heard earlier in the week. Both of these bills would require the use of an ignition interlock device (following a 3 month suspension) by a person convicted for the first time of drunken driving. HB 6391 would require 9 months with an IID while SB 965 requires 1 year with an IID. As I noted earlier, while DUI represents a serious violation of the law, a conventional prison sentence is not necessarily the best cost-effective punishment and deterrent. The ignition interlock allows these violators to remain productive citizens and keeps our state safe from intoxicated drivers. Thank you for raising these important proposals.