

STATEMENT

INSURANCE ASSOCIATION OF CONNECTICUT

Judiciary Committee

March 13, 2013

HB 6585, An Act Concerning Evidence and Costs

The Insurance Association of Connecticut, IAC, strongly supports HB 6585, An Act Concerning Evidence and Costs.

Section 1 of HB 6585 simply seeks to expedite the process for the completion of independent medical exams permitted under Connecticut law. By law defendants are permitted to have plaintiffs submit to physical or mental exams conducted by a physician of their choosing to render an independent evaluation of a plaintiff's claimed injuries. Unfortunately under today's practice such attempts result in protracted debates and plaintiffs outright refusal without just cause, unnecessarily delaying resolution of cases. Section 1 simply codifies a defendant's right to seek an independent medical exam while permitting a plaintiff the right to contest such exam for good cause. The good cause standard will require plaintiffs to demonstrate a substantial reason that affords a legitimate excuse, while impeding defendants' rights. Section 1 produces a fair result while greatly reducing the delay and expense associated with the current practice.

Section 2 simply clarifies that the costs associated with the taking of a deposition are only recoverable if such deposition is actually used in a court proceeding. Currently such costs may be awarded even if the deposition is never used in the court proceeding permitting one to pad their costs. This simply ensures that recoverable costs are limited to those costs actually used in a court proceeding.

The IAC urges your support for HB 6585.