



General Assembly

January Session, 2013

Raised Bill No. 6585

LCO No. 4072



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING EVIDENCE AND COSTS.

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

1 Section 1. Section 52-178a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 In any action to recover damages for personal injuries, [the court or
4 judge may order the plaintiff to submit to a physical examination by
5 one or more physicians or surgeons. No party may be compelled to
6 undergo a physical examination by any physician to whom he objects
7 in writing submitted to the court or judge] any party adverse to the
8 plaintiff may request that the plaintiff submit to a physical or mental
9 examination by one or more health care providers within a thirty mile
10 radius of the plaintiff's residence. The request shall be filed with the
11 court and shall specify the time, place, manner, conditions and scope
12 of the examination and the persons by whom the examination is to be
13 made. The plaintiff may object to such examination for good cause.

14 Sec. 2. Subsection (b) of section 52-257 of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective July*

16 1, 2013):

17 (b) Parties shall also receive: (1) For each witness attending court,
18 the witness' legal fee and mileage; (2) for each deposition taken out of
19 the state, forty dollars, and for each deposition within the state, thirty
20 dollars; (3) on an application for the sale of property attached, the
21 expenses incurred; (4) in any civil action affecting the title to real
22 property situated in this state, or affecting any mortgage or lien
23 thereon, the actual expense, not exceeding the sum of two hundred
24 twenty-five dollars, of an examination of the land records concerning
25 the title to the real property in question and such amount as the court
26 or judge determines to be reasonable for the services of an expert on
27 the value of the land when such value is in dispute; (5) for maps, plans,
28 mechanical drawings and photographs, necessary or convenient in the
29 trial of any action, a reasonable sum; (6) for copies of records used in
30 evidence, bonds, recognizances and subpoenas, court and clerk's fees;
31 (7) for the signing and service of process, the legal fees payable
32 therefor, except that a fee shall not be allowed for the return of a
33 subpoena to court; (8) the actual expense incurred in publishing orders
34 of notice under direction of the court; (9) for each interpreter
35 necessarily employed in the trial of any civil action, twenty dollars per
36 diem; (10) for premiums upon all bonds or undertakings provided
37 pursuant to statute, rule of court, order of court or stipulation of
38 parties, including bonds in lieu of or in release or dissolution of
39 attachment, the actual amount paid, not exceeding a reasonable
40 amount; (11) documented investigative costs and expenses, not
41 exceeding the sum of two hundred dollars; and (12) for the recording,
42 videotaping, transcribing and presentation of the deposition of a
43 practitioner of the healing arts, as defined in section 20-1, dentist,
44 registered nurse, advanced practice registered nurse or licensed
45 practical nurse, as defined in section 20-87a, or real estate appraiser
46 [that is used] when such deposition is presented during the course of
47 the court proceeding in lieu of live testimony in the civil action, the
48 reasonable expenses incurred.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	52-178a
Sec. 2	<i>July 1, 2013</i>	52-257(b)

Statement of Purpose:

To (1) require a plaintiff to comply with a request for an independent medical examination in a personal injury action, except upon a showing of good cause by the plaintiff, and (2) clarify what is a recoverable cost for the recording, videotaping, transcribing and presentation of the deposition of certain health care providers.

[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.]