

Statement

Insurance Association of Connecticut

Judiciary Committee

March 13, 2013

SB 920, An Act Concerning The Statute Of Limitations In Carbon Monoxide Poisoning Cases

The Insurance Association of Connecticut is opposed to SB 920, An Act Concerning The Statute of Limitations in Carbon Monoxide Poisoning Cases, which seeks to unnecessarily extend the statute of limitations for claims involving carbon monoxide, CO, exposure.

A statute of limitations is designed to provide a finite time in which a person can assert their rights and protect parties from limitless litigation. A statute of limitations ensures that information is available and evidence does not become stale. How would defendants, whose rights are protected by the statute of limitations, be able to defend against such claims? SB 920 will make it extremely difficult to gather evidence that may be relevant to the defense of the claim.

What makes a CO claim more unique than other types of personal injury claims to support extending the statute of limitations? Typically, the nexus between the alleged exposure and treatment is pretty clear. In the vast majority of claims, notice is typically provided relatively quickly following a CO incident. The trigger for bringing such claims is the event that caused the exposure. Latent or long-term carbon monoxide exposure claims are an aberration and do not support the need to amend the statute of limitations for these types of claims.

Extending the time for litigation for such claims will create an unsound precedent. There are many situations where the operation of the statute of limitations may be perceived as unfair to particular individuals or individual groups. For example, a person who has been rendered a paraplegic, or suffered severe burns over most of his body, or a victim of slander will find their claims time-barred if they file a complaint just one day after the applicable limitations period expires. The unsettling facts of a particular situation should not trump the critical importance of the predictability and certainty that statutes of limitations serve.

Additionally, SB 920, as drafted, is not limited to courses of action that arise after the effective date. As such, it could apply to a cause of action that occurred years ago, thus revising a cause of action that may have already terminated.

The IAC urges your rejection of SB 920.