



Testimony by Chris Syrek, Vice President of
Associated Builders & Contractors

Before the Judiciary Committee on March 17, 2014

**HB 5570 An Act Concerning The Applicability Of Statutes of Limitations To Actions Brought By
The State Or A Political Subdivision of the State**

Good afternoon, my name is Chris Syrek; I am the Vice President of Associated Builders and Contractors of Connecticut (CT ABC). CT ABC is a statewide trade association of almost 200 members that represents merit shop contractors.

CT ABC would like to voice its support for HB 5570. Due to the ruling in the State of Connecticut vs. Lombardo Brothers Mason Contractors, et. al and the common law doctrine of Nullum Tempus, contractors and industry professionals are left with no protection from being held responsible for damages to state funded projects for the duration of their lives. That includes damage from age, and normal wear and tear over the course of time. This bill offers a fix to this problem, by offering a fair and reasonable 10 year statute of limitations in which the state can initiate claims against a contractor or other industry professional.

The issue of protecting the construction industry against unreasonable liabilities and financial penalties brought upon them by the State is crucial to the industry and the future of public construction in Connecticut. The law as it currently stands places an unfair burden on those companies that do work for the state. There are simply no contractors that can afford to be indefinitely liable for their work on a construction project. The exposure and financial burden that this places on a contractor is likely to prevent them from being able to do business with the State.

In addition to the severe financial ramifications, contractors as the law currently stands are faced with the burden of having to store their construction documents for the rest of their lives. In a business such as construction where companies are handed down through generations this is not a realistic demand. Another problem presented is that contractors who were unaware of the Nullum Tempus doctrine, have most likely disposed of old construction documents, and will be unable use them to defend themselves should they be forced to by the state.

The current law will also increase the states cost on future public works projects. As more contractors become aware of the extreme liabilities they are exposing themselves to by completing state work, they will be less likely to bid on projects. With less contractors bidding on jobs, the price of the projects will certainly go up. There will also be an increased cost to the bonding companies on these projects, and that cost will unavoidably be passed on the State.

In conclusion, CT ABC urges the members of the Judiciary Committee to support HB 5570 and provide contractors and other industry professionals a fair and reasonable 10 year statute of limitations. Statutes of Limitations apply in almost every legal situation, both civil and criminal, there is no reason that contractors should not be afforded the same consideration.