



General Assembly

February Session, 2014

Raised Bill No. 5570

LCO No. 2500



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE APPLICABILITY OF STATUTES OF LIMITATIONS TO ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

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

1 Section 1. Section 52-576 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014, and*
3 *applicable to actions filed on or after said date*):

4 (a) No action for an account, or on any simple or implied contract,
5 or on any contract in writing, shall be brought but within six years
6 after the right of action accrues, except as provided in subsection (b) of
7 this section.

8 (b) Any person legally incapable of bringing any such action at the
9 accruing of the right of action may sue at any time within three years
10 after becoming legally capable of bringing the action.

11 (c) The provisions of this section shall not apply to actions upon
12 judgments of any court of the United States or of any court of any state
13 within the United States, or to any cause of action governed by article 2

14 of title 42a.

15 (d) The provisions of this section shall apply to actions brought on
16 or after October 1, 2014, in the name of the state or any political
17 subdivision of the state, or for the benefit of the state or any political
18 subdivision of the state, in the same manner as to actions brought by
19 private persons.

20 Sec. 2. Section 52-577 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2014, and*
22 *applicable to actions filed on or after said date*):

23 (a) No action founded upon a tort shall be brought but within three
24 years from the date of the act or omission complained of.

25 (b) The provisions of this section shall apply to actions brought on
26 or after October 1, 2014, in the name of the state or any political
27 subdivision of the state, or for the benefit of the state or any political
28 subdivision of the state, in the same manner as to actions brought by
29 private persons.

30 Sec. 3. Section 52-577a of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2014, and*
32 *applicable to actions filed on or after said date*):

33 (a) No product liability claim, as defined in section 52-572m, shall be
34 brought but within three years from the date when the injury, death or
35 property damage is first sustained or discovered or in the exercise of
36 reasonable care should have been discovered, except that, subject to
37 the provisions of subsections (c), (d) and (e) of this section, no such
38 [action] claim may be brought against any party nor may any party be
39 impleaded pursuant to subsection (b) of this section later than ten
40 years from the date that the party last parted with possession or
41 control of the product.

42 (b) In any [such] action on such claim, a product seller may implead

43 any third party defendant who is or may be liable for all or part of the
44 claimant's claim, if such third party defendant is served with the third
45 party complaint within one year from the date the cause of action
46 brought under subsection (a) of this section is returned to court.

47 (c) The ten-year limitation provided for in subsection (a) of this
48 section shall not apply to any product liability claim brought by a
49 claimant who is not entitled to compensation under chapter 568,
50 provided the claimant can prove that the harm occurred during the
51 useful safe life of the product. In determining whether a product's
52 useful safe life has expired, the trier of fact may consider among other
53 factors: (1) The effect on the product of wear and tear or deterioration
54 from natural causes; (2) the effect of climatic and other local conditions
55 in which the product was used; (3) the policy of the user and similar
56 users as to repairs, renewals and replacements; (4) representations,
57 instructions and warnings made by the product seller about the useful
58 safe life of the product; and (5) any modification or alteration of the
59 product by a user or third party.

60 (d) The ten-year limitation provided for in subsection (a) of this
61 section shall be extended pursuant to the terms of any express written
62 warranty that the product can be used for a period longer than ten
63 years, and shall not preclude any action against a product seller who
64 intentionally misrepresents a product or fraudulently conceals
65 information about [it] a product, provided the misrepresentation or
66 fraudulent concealment was the proximate cause of harm of the
67 claimant.

68 (e) The ten-year limitation provided for in subsection (a) of this
69 section shall not apply to any product liability claim, whenever
70 brought, involving injury, death or property damage caused by contact
71 with or exposure to asbestos, except that (1) no such action for
72 personal injury or death may be brought by the claimant later than
73 eighty years from the date that the claimant last had contact with or
74 exposure to asbestos, and (2) no such action for damage to property

75 may be brought by the claimant later than thirty years from the date of
76 last contact with or exposure to asbestos.

77 (f) The definitions [contained] in section 52-572m shall apply to this
78 section.

79 (g) The provisions of this section shall apply to all product liability
80 claims brought on or after October 1, 1979.

81 (h) The provisions of this section shall apply to actions brought on
82 or after October 1, 2014, in the name of the state or any political
83 subdivision of the state, or for the benefit of the state or any political
84 subdivision of the state, in the same manner as to actions brought by
85 private persons.

86 Sec. 4. Section 52-584 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2014, and*
88 *applicable to actions filed on or after said date*):

89 (a) No action to recover damages for injury to the person, or to real
90 or personal property, caused by negligence, or by reckless or wanton
91 misconduct, or by malpractice of a physician, surgeon, dentist,
92 podiatrist, chiropractor, hospital or sanatorium, shall be brought but
93 within two years from the date when the injury is first sustained or
94 discovered or in the exercise of reasonable care should have been
95 discovered, and except that no such action may be brought more than
96 three years from the date of the act or omission complained of, except
97 that a counterclaim may be interposed in any such action any time
98 before the pleadings in such action are finally closed.

99 (b) The provisions of this section shall apply to actions brought on
100 or after October 1, 2014, in the name of the state or any political
101 subdivision of the state, or for the benefit of the state or any political
102 subdivision of the state, in the same manner as to actions brought by
103 private persons.

104 Sec. 5. Section 52-584a of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2014, and*
106 *applicable to actions filed on or after said date*):

107 (a) No action or arbitration, whether in contract, in tort, or
108 otherwise, (1) to recover damages (A) for any deficiency in the design,
109 planning, contract administration, supervision, observation of
110 construction or construction of, or land surveying in connection with,
111 an improvement to real property; (B) for injury to property, real or
112 personal, arising out of any such deficiency; (C) for injury to the
113 person or for wrongful death arising out of any such deficiency, or (2)
114 for contribution or indemnity which is brought as a result of any such
115 claim for damages shall be brought against any architect, professional
116 engineer or land surveyor performing or furnishing the design,
117 planning, supervision, observation of construction or construction of,
118 or land surveying in connection with, such improvement more than
119 seven years after substantial completion of such improvement.

120 (b) Notwithstanding the provisions of subsection (a) of this section,
121 in the case of such an injury to property or the person or such an injury
122 causing wrongful death, which injury occurred during the seventh
123 year after such substantial completion, an action in tort to recover
124 damages for such an injury or wrongful death may be brought within
125 one year after the date on which such injury occurred, irrespective of
126 the date of death, but in no event may such an action be brought more
127 than eight years after the substantial completion of construction of
128 such an improvement.

129 (c) For the purposes of subsections (a) and (b) of this section, an
130 improvement to real property shall be considered substantially
131 complete when (1) it is first used by the owner or tenant thereof or (2)
132 it is first available for use after having been completed in accordance
133 with the contract or agreement covering the improvement, including
134 any agreed changes to the contract or agreement, whichever occurs
135 first.

136 (d) The limitation prescribed by this section shall not be asserted by
 137 way of defense by any person in actual possession or the control, as
 138 owner, tenant or otherwise, of such an improvement at the time any
 139 deficiency in such an improvement constitutes the proximate cause of
 140 the injury or death for which it is proposed to bring action.

141 (e) The provisions of this section shall apply to actions brought on
 142 or after October 1, 2014, in the name of the state or any political
 143 subdivision of the state, or for the benefit of the state or any political
 144 subdivision of the state, in the same manner as to actions brought by
 145 private persons.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014, and applicable to actions filed on or after said date</i>	52-576
Sec. 2	<i>October 1, 2014, and applicable to actions filed on or after said date</i>	52-577
Sec. 3	<i>October 1, 2014, and applicable to actions filed on or after said date</i>	52-577a
Sec. 4	<i>October 1, 2014, and applicable to actions filed on or after said date</i>	52-584
Sec. 5	<i>October 1, 2014, and applicable to actions filed on or after said date</i>	52-584a

Statement of Purpose:

To address the holding in State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et al. by abrogating the common law doctrine of nullum tempus occurrit regi (no time runs against the king) in specific tort, product liability and contract actions for the purpose of extending the statutes of limitations for bringing a claim in those actions to the state and any political subdivision of the state.

[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.]