

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 14-156**—sHB 5450

*Judiciary Committee*

**AN ACT CONCERNING ARBITRATION IN MOTOR VEHICLE  
ACCIDENT CASES**

**SUMMARY:** This act allows the court, at the request of all parties in a civil action involving a claim of bodily injury from a motor vehicle accident, to refer the case to an arbitrator chosen by the parties or their attorneys. Under the act, the arbitration must limit the damage award that an injured party may receive.

Under the act, the arbitrator's (1) finding is binding only on the parties to the civil action and (2) damage award cannot be used by or against any party to the arbitration in any later civil action or proceeding.

EFFECTIVE DATE: July 1, 2014, and applicable to civil actions pending or filed on or after that date.

**BACKGROUND**

*Marques v. Allstate (140 Conn. App. 335 (2013))*

The insured, Marques, brought an action against his insurer to recover underinsured motorist benefits under his automobile insurance policy following a motor vehicle accident. The Superior Court granted the insurer's motion for summary judgment and the insured appealed.

The Appellate Court held that the insured's claim for underinsured motorist benefits was barred by the doctrine of collateral estoppel. (Collateral estoppel prohibits the relitigation of an issue that was fully or fairly litigated in a prior action.)

The court concluded that Marques was not entitled to recover damages under his own automobile insurance policy's underinsured motorist provisions because the issue of Marques' total compensatory damages resulting from the collision was litigated and determined in the binding arbitration hearing in his action against the other driver's insurer.

OLR Tracking: MK:RP:PF:am