



House of Representatives

General Assembly

File No. 723

January Session, 2015

House Bill No. 6925

House of Representatives, April 20, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE STATUTE OF REPOSE IN HAZARDOUS CHEMICAL CASES RESULTING IN THE DEATH OF A PERSON.

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

1 Section 1. Section 52-577c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015, and*
3 *applicable to all cases pending on and cases filed on or after said date*):

4 (a) For the purposes of this section: (1) "Environment" means any
5 surface water, ground water, drinking water supply, land surface or
6 subsurface strata or ambient air within the state or under the
7 jurisdiction of the state; (2) "exposure" means any contact, ingestion,
8 inhalation or assimilation, including irradiation; (3) "hazardous
9 chemical substance or mixture" means petroleum, a petroleum product
10 or any chemical substance or mixture for which there is a federal
11 standard, including any law, requirement, tolerance, prohibition,
12 action level or similar legal authority adopted by an agency pursuant
13 to federal law, including any such standard or legal authority adopted
14 by a state or local government pursuant to federal law, generally

15 intended to prevent, reduce or mitigate the risk of a disease or class or
 16 type of diseases to an individual or individuals resulting from
 17 exposure to such chemical substance or mixture; (4) "hazardous
 18 pollutant" means any designated, specified or referenced chemical
 19 considered to be a "hazardous substance" under Section 101(14) of the
 20 Comprehensive Environmental Response, Compensation, and Liability
 21 Act, 42 USC 9601(14); (5) "release" means any spilling, leaking,
 22 pumping, pouring, emitting, emptying, discharging, injecting,
 23 escaping, leaching, dumping or disposing into the environment.

24 (b) Notwithstanding the provisions of sections 52-555, 52-577 and
 25 52-577a, no action to recover damages for personal injury, death or
 26 property damage caused by exposure to a hazardous chemical
 27 substance or mixture or hazardous pollutant released into the
 28 environment shall be brought but within two years from the date
 29 when the injury or damage complained of is discovered or in the
 30 exercise of reasonable care should have been discovered.

31 (c) The provisions of subsection (b) of this section shall not apply to
 32 an action brought against (1) any municipal waterworks system
 33 established and operated under chapter 102 or any special act, (2) any
 34 regional water authority established under any general statute or
 35 special act, or (3) any water company as defined in section 16-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to all cases pending on and cases filed on or after said date</i>	52-577c

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill extends the time limit for specified civil actions and does not result in a fiscal impact to the state or municipalities. The number of additional civil cases is not anticipated to be large enough to need additional resources. The court system disposes of over 500,000 cases annually.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 6925*****AN ACT CONCERNING THE STATUTE OF REPOSE IN HAZARDOUS CHEMICAL CASES RESULTING IN THE DEATH OF A PERSON.*****SUMMARY:**

This bill extends the time for bringing wrongful death lawsuits in cases involving exposure to hazardous chemicals or hazardous pollutants. It generally allows these lawsuits to be brought up to two years after the injury or damage is discovered or, in the exercise of reasonable care, should have been discovered, as is already the case for personal injury or property damage lawsuits alleging this exposure.

Currently, as with most wrongful death actions, these hazardous exposure cases must be brought within two years from the date of death, but no later than five years after the act or omission giving rise to the claim. (The two-year limit is often referred to as the statute of limitations and the five-year limit as the statute of repose.)

Under the bill, the current limiting periods still apply to lawsuits against (1) water companies regulated by the Public Utilities Regulatory Authority, (2) municipal waterworks systems, or (3) regional water authorities.

EFFECTIVE DATE: October 1, 2015, and applicable to all cases pending on or filed on or after that date.

BACKGROUND***Related Case***

In a 2006 case, the surviving spouses and estate representatives of deceased former employees brought a wrongful death action against the employer, concerning alleged exposure to hazardous chemicals.

The decedents did not show symptoms of the alleged exposure until after the five-year repose period that applies to wrongful death actions (CGS § 52-555). The state Supreme Court held that under existing law, the claims were subject to that statute, rather than to the limitation period that applies to personal injury cases alleging hazardous chemical exposure (CGS § 52-577c) (*Greco v. United Technologies Corp.*, 277 Conn. 337 (2006)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (04/06/2015)