



Property Casualty Insurers

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STATEMENT

PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA (PCI)

S.B. 1028 – AN ACT CONCERNING THE TOLLING OF THE STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BROUGHT BY A MINOR

JUDICIARY COMMITTEE

March 6, 2015

The Property Casualty Insurers Association of America (PCI) appreciates the opportunity to comment on S.B. 1028, an act concerning the tolling of the statute of limitation for a negligence action brought by a minor. Our comments are provided on behalf of the member companies of PCI, a national property casualty trade association with over 1,000 member companies. PCI member companies provide 36 percent of Connecticut's property casualty insurance coverage.

Statutes of limitation and repose exist in order to balance the scales of justice to serve both an innocent plaintiff and an innocent defendant equally. PCI opposes H.B. 1028 because the bill would tip those scales significantly out of balance in negligence cases.

Current law limits civil suits arising from alleged medical liability to commence within two years of discovery (limitation) and three years of the alleged act (repose). H.B. 1028 extends the statute of limitation nearly tenfold, to 19 years if the injury is discovered at birth. It nearly triples the statute of repose to eight years following the alleged harmful act.

When this much time elapses, recollections fade, witnesses move away or die, evidence gets lost. These factors skew civil liability cases in favor of the person making the allegations because the standard of proof is a simple preponderance of the evidence. If the allegation itself is the major evidence in a case, the plaintiff may not even have to really prove his case under these circumstances. Preparing a defense under these circumstances when any evidence is either lost or stale may be almost impossible.

The impact of the passage of legislation to increase the statutes of limitation and repose on insurance premiums for medical malpractice, business and other types of insurance can be significant, not only because of the difficulty associated with defending against numerous potentially stale claims, but also because of the extended risk exposure. This bill, by extending these limitations periods to such a major degree, could have a substantial impact on insurance costs which would need to be borne by Connecticut businesses, doctors and other professionals and other

entities. It is important to remember when considering bills of this nature, that all of these increased costs will ultimately likely be passed on to Connecticut consumers in various ways.

For these reasons, it is important that Connecticut maintain its current balance for negligence cases by retaining the state's time limitation standards. Current law appropriately balances the needs of both the innocent plaintiff and the innocent defendant.

Accordingly, for the foregoing reasons, PCI urges your Committee NOT to advance this bill.