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Division of Connecticut Construction Industries Association

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Raised Bill 1032, An Act Concerning the Applicability of the Statute of Limitations to Construction and Design Actions Brought by the State or a Political Subdivision of the State

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Public Hearing, Committee on Judiciary

Good afternoon, Senator Coleman, Representative Tong, members of the Committee on Judiciary. My name is John Butts, and I am the Executive Director of the Associated General Contractors of Connecticut. I am here to testify on Raised Bill 1032, An Act Concerning the Applicability of the Statute of Limitations to Construction and Design Actions Brought by the State or a Political Subdivision of the State.

AGC of Connecticut is the building division of the Connecticut Construction Industries Association (CCIA), representing 150 commercial, industrial, and institutional construction contractors, subcontractors, material suppliers and professionals serving the Connecticut construction industry. AGC of Connecticut is a chapter of AGC of America.

Raised Bill 1032 would establish a seven-year statute of limitation for actions brought by the state and political subdivisions against designers, professional engineers, and land surveyors. Unfortunately, the bill only goes half-way. It should be amended to apply the same statute of limitation to contractors, and their insurers and sureties, as it is implied in the title of the bill.

It is impractical, and in some cases, fundamentally impossible, to defend against a claim that is filed 15, 20, 30, or even 50 years after the completion of a construction project. With the passage of time, it would be challenging, if not unachievable, to recover documentation and records, and to locate key stakeholders.

Prior to the Lombardo decision, the Connecticut construction industry operated under the assumption that there was a limited time by which the state could bring action against them for alleged defects. Consequently, they were able to manage and control a risk they thought they were able to identify. However, now, with unlimited exposure, contractors doing business with the state are taking on risk that they cannot identify, manage, or buy insurance for.

Our members are also concerned that state agencies could, years after the completion of a project, assert claims that may arise from poor maintenance, the expected life span of the building's components, or other factors thereby making them responsible for issues not caused by the original construction.

In conclusion, we ask the committee to act favorably on an amended version of Raised Bill 1032, one that includes construction firms in its statute of limitations coverage.

Thank you for your consideration.