



INSURANCE ASSOCIATION OF CONNECTICUT

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Statement

Insurance Association of Connecticut

Judiciary Committee

March 6, 2015

**SB 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**

I am Eric George, President of the Insurance Association of Connecticut (IAC). The IAC supports SB 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.

SB 1032 seeks to establish a ten year statute of limitations on actions brought by the state or a political subdivision of the state against design professionals (architects, professional engineers and land surveyors). The applicability of a statute of limitations to such cases was eliminated in the Connecticut Supreme Court's holding in State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et al, 307 Conn. 412, 54 A.3d 1005 (Conn. 2012) based upon the arcane doctrine of *nullum tempus occurrit regi* (no time runs against the king).

Statutes of limitation are designed to provide a finite time in which an action may be brought, thereby protecting defendants from limitless litigation. Statutes of limitation ensure that information regarding the case is available and evidence does not become stale. Permitting the state, or its political subdivision, to bring an action in perpetuity will make it extremely difficult, if not impossible, to gather relevant and necessary

evidence in order to properly defend against any such actions. Damages will likely be unjustly inflated due to the extended time lapse.

IAC would respectfully request that SB 1032 be amended to also apply the statute of limitations to actions brought by the state or a political subdivision of the state against contractors performing construction projects.

Justice is supposed to be balanced and fair for both parties. Eliminating the statute of limitations by permitting the doctrine of *nullum tempus occurrit regi* to remain the law of the land unfairly diminishes and compromises the rights of design professionals and contractors in such cases.

IAC urges passage of SB 1032. Thank you for the opportunity to present IAC's viewpoint.