

SB No. 1032 - AAC THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO CONSTRUCTION AND DESIGN ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE

Submitted by: Joyce A. Wojtas, Mechanical Contractors Association of CT (MCAC)

The MCAC supports SB 1032 and encourages favorable action on this bill by the Judiciary Committee.

The decision of the CT Supreme Court in State v. Lombardo Brothers Mason Contractors, Inc. et al opened the door to claims by the State or a municipality against any and all parties involved in public construction projects that have been completed in the past and those that will be completed in the future. It is like an open-ended warrantee on the services and materials for every architect, engineer, contractor, and subcontractor who is party to a state or municipal contract and performs work on a public construction project. This decision could eventually make the risk coverage for public construction cost prohibitive and discourage legitimate architects, engineers, contractors and subcontractors from participating in the public works arena. Public construction projects would also become cost prohibitive.

Inclusion of the state and municipalities under the current statute of limitations for private parties provides Connecticut with a uniform resolution to the problems that could arise in the future.

Thank you for your time and consideration of this important issue.

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