



Senate

General Assembly

File No. 659

January Session, 2015

Senate Bill No. 1028

Senate, April 15, 2015

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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

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

1 Section 1. Section 52-584 of the general statutes is repealed and the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) No action to recover damages for injury to the person, or to real
5 or personal property, caused by negligence, or by reckless or wanton
6 misconduct, or by malpractice of a physician, surgeon, dentist,
7 podiatrist, chiropractor, hospital or sanatorium, shall be brought but
8 within two years from the date when the injury is first sustained or
9 discovered or in the exercise of reasonable care should have been
10 discovered, and except that no such action may be brought more than
11 three years from the date of the act or omission complained of, except
12 that a counterclaim may be interposed in any such action any time
13 before the pleadings in such action are finally closed.

14 (b) Notwithstanding the time limitation to bring an action under
 15 subsection (a) of this section, if a person entitled to bring such an
 16 action, other than for the recovery of real property or a penalty or
 17 forfeiture, is unable to bring such action because such person is under
 18 eighteen years of age on the date the cause of action accrued, such
 19 person may bring such action within one year from the date such
 20 person attains eighteen years of age, except that no such action may be
 21 brought more than eight years from the date of the act or omission
 22 complained of.

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>	52-584

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 expands the timeframe for personal injuries involving a minor for one year after turning 18 years of age and does not result in a fiscal impact. The number of additional suits that would become cases is not anticipated to be great 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**SB 1028*****AN ACT CONCERNING THE TOLLING OF THE STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BROUGHT BY A MINOR.*****SUMMARY:**

This bill allows people who turn 18 to sue for negligence for personal injuries they suffered when they were minors and unable to sue in their own name. It allows these individuals to bring such actions in the one year between the time they turn 18 and when they turn 19 but no more than eight years from the date of the act or omission that they complained of. (This would apparently allow a person, between the ages of 18 and 19, to bring an action for an act or omission that occurred when he or she was as young as age 11.)

The bill applies to lawsuits to recover damages caused by (1) negligence, (2) reckless or wanton misconduct, or (3) malpractice of a physician, surgeon, dentist, podiatrist, chiropractor, hospital, or sanatorium. It does not apply to actions for the recovery of real property or a penalty or forfeiture.

Under current law, individuals may generally sue for damages for injury to the person or to real or personal property within (1) two years from the date the injury is first sustained or discovered, or in the exercise of reasonable care, should have been discovered or (2) three years from the date of the act or omission complained of. There are longer timeframes for certain types of injury.

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

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 28 Nay 14 (03/27/2015)