



General Assembly

Amendment

January Session, 2015

LCO No. 7662



Offered by:

REP. SRINIVASAN, 31st Dist.

REP. PERILLO, 113th Dist.

REP. CARTER, 2nd Dist.

REP. AMAN, 14th Dist.

To: Senate Bill No. 1028

File No. 659

Cal. No. 571

(As Amended by Senate Amendment Schedule "A")

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

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 52-225a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015, and*
5 *applicable to all cases pending on and cases filed on or after said date*):

6 (a) In any civil action, whether in tort or in contract, wherein the
7 claimant seeks to recover damages resulting from (1) personal injury or
8 wrongful death occurring on or after October 1, 1987, or (2) personal
9 injury or wrongful death, arising out of the rendition of professional

10 services by a health care provider, occurring on or after October 1,
11 1985, and prior to October 1, 1986, if the action was filed on or after
12 October 1, 1987, and wherein liability is admitted or is determined by
13 the trier of fact and damages are awarded to compensate the claimant,
14 the court shall reduce the amount of such award which represents
15 economic damages, as defined in subdivision (1) of subsection (a) of
16 section 52-572h, by an amount equal to the total of amounts
17 determined to have been paid under subsection (b) of this section less
18 the total of amounts determined to have been paid, contributed or
19 forfeited under subsection (c) of this section, except that there shall be
20 no reduction for (A) a collateral source for which a right of subrogation
21 exists, and (B) the amount of collateral sources equal to the reduction
22 in the claimant's economic damages attributable to the claimant's
23 percentage of negligence pursuant to section 52-572h.

24 (b) Upon a finding of liability and an awarding of damages by the
25 trier of fact and before the court enters judgment, the court shall
26 receive evidence from the claimant and other appropriate persons
27 concerning the total amount of collateral sources which have been paid
28 for the benefit of the claimant as of the date the court enters judgment.
29 For purposes of this subsection, evidence that a physician or physician
30 assistant, dentist, chiropractor, naturopath, physical therapist,
31 podiatrist, psychologist, social worker, mental health professional, an
32 emergency medical technician, optometrist, or advanced practice
33 registered nurse, accepted an amount less than the total amount of any
34 bill generated by such physician, physician assistant, dentist,
35 chiropractor, naturopath, physical therapist, podiatrist, psychologist,
36 social worker, mental health professional, emergency medical
37 technician, optometrist or advanced practice registered nurse, or
38 evidence that an insurer paid less than the total amount of any bill
39 generated by such physician, physician assistant, dentist, chiropractor,
40 naturopath, physical therapist, podiatrist, psychologist, social worker,
41 mental health professional, emergency medical technician, optometrist
42 or advanced practice registered nurse, shall be admissible as evidence
43 of the total amount of collateral sources which have been paid for the

44 benefit of the claimant as of the date the court enters judgment.

45 (c) The court shall receive evidence from the claimant and any other
46 appropriate person concerning any amount which has been paid,
47 contributed or forfeited, as of the date the court enters judgment, by, or
48 on behalf of, the claimant or members of his immediate family to
49 secure his right to any collateral source benefit which he has received
50 as a result of such injury or death.

51 (d) Nothing in this section shall prohibit a claimant or defendant
52 from introducing evidence of collateral source payments at the time of
53 trial for the purpose of proving or disproving the amount of a
54 claimant's economic damages, as defined in subsection (a) of section
55 52-572h."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015, and applicable to all cases pending on and cases filed on or after said date</i>	52-225a