



General Assembly

Amendment

January Session, 2015

LCO No. 7663



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 Section 52-195 of the general statutes is repealed and the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) If the plaintiff does not, within the time allowed for acceptance
7 of the offer of compromise and before the commencement of the trial,
8 file the plaintiff's notice of acceptance, the offer shall be deemed to be
9 withdrawn and shall not be given in evidence.

10 (b) Unless the plaintiff recovers more than the sum specified in the
 11 offer of compromise, with interest from its date, the plaintiff shall
 12 recover no costs accruing after the plaintiff received notice of the filing
 13 of such offer, but shall pay the defendant's costs accruing [after the
 14 plaintiff received notice] from the date on which the civil action was
 15 filed, if the offer of compromise was filed not later than eighteen
 16 months after the date on which such civil action was filed. If the offer
 17 of compromise was filed later than eighteen months after the date on
 18 which such civil action was filed, the plaintiff shall pay costs accruing
 19 from the date on which the offer of compromise was filed. Such costs
 20 [may] shall include reasonable attorney's fees [in an amount not to
 21 exceed three hundred fifty dollars] incurred by the defendant or the
 22 defendant's insurance carrier.

23 (c) This section shall not be interpreted to abrogate the contractual
 24 rights of any party concerning the recovery of attorney's fees in
 25 accordance with the provisions of any written contract between the
 26 parties to the action. The provisions of this section shall not apply to
 27 cases in which nominal damages have been assessed upon a hearing
 28 after a default or after a demurrer has been overruled."

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>	52-195