OLR Bill Analysis
sHB 7126

AN ACT CONCERNING THE AWARD OF DOUBLE OR TREBLE DAMAGES TO AN INJURED PARTY IN A CIVIL ACTION RESULTING FROM CERTAIN TRAFFIC VIOLATIONS.

SUMMARY

This bill adds using a cell phone or mobile electronic device while driving to the motor vehicle violations for which double to triple damages may be awarded in certain circumstances.

By law, in civil actions to recover damages due to personal injury, wrongful death, or property damage, the jury or judge may award double or triple damages if (1) the defendant committed the motor vehicle violation with deliberate or reckless disregard and (2) the violation was a substantial factor in causing the injury, death, or property damage for which the plaintiff is seeking damages. (see BACKGROUND). If the defendant was driving a rented or leased vehicle, the vehicle owner is not responsible for those damages unless they arose from the owner’s operation of the vehicle.

EFFECTIVE DATE: July 1, 2019, and applicable to any civil action pending on, or filed on or after, that date.

BACKGROUND

Using a Cell Phone or Mobile Electronic Device While Driving

By law, it is generally a motor vehicle violation to operate a vehicle while:

1. using a cell phone to make a phone call,
2. using a mobile electronic device,
3. typing, sending, or reading a text message on a cell phone or mobile electronic device.
The law makes certain exceptions for using such devices to communicate with emergency responders or health care professionals during an emergency situation.

It is a $150 fine for a first violation, $300 fine for a second violation, and $500 fine for a third or subsequent violation (CGS § 14a-296aa.)

**Double or Triple Damages for Motor Vehicle Offenses**

Under existing law, the other motor vehicle offenses for which a jury or judge may award double or triple damages under certain circumstances are:

1. traveling unreasonably fast (CGS § 14-218a);

2. speeding (CGS § 14-219);

3. reckless driving (CGS § 14-222);

4. driving under the influence of drugs or alcohol (DUI) (CGS § 14-227a);

5. DUI with a child passenger (CGS § 14-227m);

6. operating a school bus, student transportation vehicle, or other vehicle designated to transport children, while under the influence of drugs or alcohol (with or without passengers) (CGS §§ 14-227n(a)(1),-(2));

7. failure to drive on the right (CGS § 14-230);

8. passing in a no-passing zone (CGS § 14-234);

9. driving on the wrong side of a divided highway (CGS § 14-237);

10. driving the wrong way on a one-way highway or rotary, or failing to grant right of way to a vehicle in a rotary (CGS § 14-239); or

11. following another vehicle unreasonably closely with the intent to harass or intimidate (CGS § 14-240a).
COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 38  Nay 0  (03/20/2019)