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Raised Bill 204
Public Hearing: 3-4-22

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 4, 2022

RE: SUPPORTING TESTIMONY OF CTLA TO RB204 AN ACT CONCERNING DAMAGES TO PERSON OR PROPERTY CAUSED BY THE NEGLIGENT OPERATION OF A MOTOR VEHICLE OWNED BY A POLITICAL SUBDIVISION OF THE STATE.

The Connecticut Trial Lawyers Association strongly supports and urges the passage of RB204, which would prevent municipalities from asserting governmental immunity as a defense in instances where one of their employees operating a municipal motor vehicle is negligent and causes a crash and resulting harm. The passage of this law would unite municipal liability with state liability regarding tort responsibility for motor vehicle crashes.

Currently, there exists an exception to governmental immunity for state owned and operated motor vehicles that are operated negligently, cause a crash and resulting harm which was codified in Connecticut General Statutes §52-556. There is no valid reason or justification for failing to mirror this exception for municipally owned and operated motor vehicles.

Under no circumstances does it make any sense to allow private citizens to hold a state actor liable for causing a motor vehicle crash but then permit a negligent municipal actor to escape responsibility for the same crash.

Historically, municipalities have always operated under the same rules, and they appeared and defended municipal motor vehicle crash claims just like the state did. Recently, municipalities have attempted to seize on the surge in governmental immunity expansion by the courts and on a few occasions have succeeded in getting the trial courts to grant them immunity and dismiss claims involving a municipal employee who negligently operates a municipal motor vehicle and causes damage. Such results are patently unfair, and the passage of this bill will put a rightful end to this inherently unfair and emerging disparate treatment of municipally employed drivers.

Simply put this is a public safety issue for all citizens of this State. Do we really want municipally owned and operated motor vehicles whether they be police cars, plows or maintenance trucks driving around without having to be responsible for following the rules of the road? No citizen of this State should be barred from seeking redress in the courts for any harms caused by negligent municipal drivers, especially when state drivers are held responsible for the identical conduct. To allow that to continue is nonsensical and patently unfair.

Allowing the courts to continue to expand municipal immunity for motor vehicle crashes is awful public policy. It will not promote reasonable driving behavior and will only incentivize municipal motor vehicle operators to drive unreasonably without having to take any personal responsibility for their negligent driving further jeopardizing the health and safety of the public.

CTLA strongly supports the passage of RB204 as a necessary immediate public safety measure.