



General Assembly

February Session, 2022

Raised Bill No. 5235

LCO No. 1668



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE CALCULATION OF PREJUDGMENT
INTEREST ON A PLAINTIFF'S OFFER OF COMPROMISE.***

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

1 Section 1. Section 52-192a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022, and*
3 *applicable to any civil action filed on or after said date*):

4 (a) Except as provided in subsection (b) of this section, after
5 commencement of any civil action based upon contract or seeking the
6 recovery of money damages, whether or not other relief is sought, the
7 plaintiff may, not earlier than one hundred eighty days after service of
8 process is made upon the defendant in such action but not later than
9 thirty days before trial, file with the clerk of the court a written offer of
10 compromise signed by the plaintiff or the plaintiff's attorney, directed
11 to the defendant or the defendant's attorney, offering to settle the claim
12 underlying the action for a sum certain. For the purposes of this section,
13 such plaintiff includes a counterclaim plaintiff under section 8-132. The
14 plaintiff shall give notice of the offer of compromise to the defendant's
15 attorney or, if the defendant is not represented by an attorney, to the

16 defendant himself or herself. Within thirty days after being notified of
17 the filing of the offer of compromise and prior to the rendering of a
18 verdict by the jury or an award by the court, the defendant or the
19 defendant's attorney may file with the clerk of the court a written
20 acceptance of the offer of compromise agreeing to settle the claim
21 underlying the action for the sum certain specified in the plaintiff's offer
22 of compromise. Upon such filing and the receipt by the plaintiff of such
23 sum certain, the plaintiff shall file a withdrawal of the action with the
24 clerk and the clerk shall record the withdrawal of the action against the
25 defendant accordingly. If the offer of compromise is not accepted within
26 thirty days and prior to the rendering of a verdict by the jury or an
27 award by the court, the offer of compromise shall be considered rejected
28 and not subject to acceptance unless refiled. Any such offer of
29 compromise and any acceptance of the offer of compromise shall be
30 included by the clerk in the record of the case.

31 (b) In the case of any action to recover damages resulting from
32 personal injury or wrongful death, whether in tort or in contract, in
33 which it is alleged that such injury or death resulted from the negligence
34 of a health care provider, the plaintiff may, not earlier than three
35 hundred sixty-five days after service of process is made upon the
36 defendant in such action, file with the clerk of the court a written offer
37 of compromise pursuant to subsection (a) of this section and, if the offer
38 of compromise is not accepted within sixty days and prior to the
39 rendering of a verdict by the jury or an award by the court, the offer of
40 compromise shall be considered rejected and not subject to acceptance
41 unless refiled.

42 (c) After trial the court shall examine the record to determine whether
43 the plaintiff made an offer of compromise which the defendant failed to
44 accept. If the court ascertains from the record that the plaintiff has
45 recovered an amount equal to or greater than the sum certain specified
46 in the plaintiff's offer of compromise, the court shall add to the amount
47 so recovered eight per cent annual interest on said amount, except in the
48 case of a counterclaim plaintiff under section 8-132, the court shall add
49 to the amount so recovered eight per cent annual interest on the

50 difference between the amount so recovered and the sum certain
51 specified in the counterclaim plaintiff's offer of compromise. The
52 interest shall be computed from the date [the complaint in the civil
53 action or application under section 8-132 was filed with the court if the
54 offer of compromise was filed not later than eighteen months from the
55 filing of such complaint or application. If such offer was filed later than
56 eighteen months from the date of filing of the complaint or application,
57 the interest shall be computed from the date the offer of compromise
58 was filed] of the cause of action which is the subject of the civil action.
59 The court may award reasonable attorney's fees in an amount not to
60 exceed three hundred fifty dollars, and shall render judgment
61 accordingly. This section shall not be interpreted to abrogate the
62 contractual rights of any party concerning the recovery of attorney's fees
63 in accordance with the provisions of any written contract between the
64 parties to the action.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022, and applicable to any civil action filed on or after said date</i>	52-192a

Statement of Purpose:

To provide that the interest period on a plaintiff's prejudgment offer of compromise shall be calculated from the date of the cause of action which is the subject of the civil action.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]