



General Assembly

Raised Bill No. 6570

January Session, 2023

LCO No. 3292



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**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.**

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

1 Section 1. Section 52-557n of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to any civil action pending on or filed on or after the effective date*
4 *of this section*):

5 (a) (1) Except as otherwise provided by law, a political subdivision
6 of the state shall be liable for damages to person or property caused by:
7 (A) The negligent acts or omissions of such political subdivision or any
8 employee, officer or agent thereof acting within the scope of his
9 employment or official duties; (B) negligence in the performance of
10 functions from which the political subdivision derives a special
11 corporate profit or pecuniary benefit; and (C) acts of the political
12 subdivision which constitute the creation or participation in the
13 creation of a nuisance; provided, no cause of action shall be
14 maintained for damages resulting from injury to any person or
15 property by means of a defective road or bridge except pursuant to

16 section 13a-149. (2) Except as otherwise provided by law, a political
17 subdivision of the state shall not be liable for damages to person or
18 property caused by: (A) Acts or omissions of any employee, officer or
19 agent which constitute criminal conduct, fraud, actual malice or wilful
20 misconduct; or (B) negligent acts or omissions which require the
21 exercise of judgment or discretion as an official function of the
22 authority expressly or impliedly granted by law. Notwithstanding the
23 provisions of subparagraph (B) of this subdivision, governmental
24 immunity shall not be a defense in a civil action for damages to person
25 or property caused by the negligent operation of a motor vehicle
26 owned by a political subdivision of the state.

27 (b) Notwithstanding the provisions of subsection (a) of this section,
28 a political subdivision of the state or any employee, officer or agent
29 acting within the scope of his employment or official duties shall not
30 be liable for damages to person or property resulting from: (1) The
31 condition of natural land or unimproved property; (2) the condition of
32 a reservoir, dam, canal, conduit, drain or similar structure when used
33 by a person in a manner which is not reasonably foreseeable; (3) the
34 temporary condition of a road or bridge which results from weather, if
35 the political subdivision has not received notice and has not had a
36 reasonable opportunity to make the condition safe; (4) the condition of
37 an unpaved road, trail or footpath, the purpose of which is to provide
38 access to a recreational or scenic area, if the political subdivision has
39 not received notice and has not had a reasonable opportunity to make
40 the condition safe; (5) the initiation of a judicial or administrative
41 proceeding, provided that such action is not determined to have been
42 commenced or prosecuted without probable cause or with a malicious
43 intent to vex or trouble, as provided in section 52-568; (6) the act or
44 omission of someone other than an employee, officer or agent of the
45 political subdivision; (7) the issuance, denial, suspension or revocation
46 of, or failure or refusal to issue, deny, suspend or revoke any permit,
47 license, certificate, approval, order or similar authorization, when such
48 authority is a discretionary function by law, unless such issuance,
49 denial, suspension or revocation or such failure or refusal constitutes a

50 reckless disregard for health or safety; (8) failure to make an inspection
51 or making an inadequate or negligent inspection of any property, other
52 than property owned or leased by or leased to such political
53 subdivision, to determine whether the property complies with or
54 violates any law or contains a hazard to health or safety, unless the
55 political subdivision had notice of such a violation of law or such a
56 hazard or unless such failure to inspect or such inadequate or
57 negligent inspection constitutes a reckless disregard for health or
58 safety under all the relevant circumstances; (9) failure to detect or
59 prevent pollution of the environment, including groundwater,
60 watercourses and wells, by individuals or entities other than the
61 political subdivision; or (10) conditions on land sold or transferred to
62 the political subdivision by the state when such conditions existed at
63 the time the land was sold or transferred to the political subdivision.

64 (c) Any person who serves as a member of any board, commission,
65 committee or agency of a municipality and who is not compensated for
66 such membership on a salary or prorated equivalent basis, shall not be
67 personally liable for damage or injury occurring on or after October 1,
68 1992, resulting from any act, error or omission made in the exercise of
69 such person's policy or decision-making responsibilities on such board,
70 commission, committee or agency if such person was acting in good
71 faith, and within the scope of such person's official functions and
72 duties, and was not acting in violation of any state, municipal or
73 professional code of ethics regulating the conduct of such person, or in
74 violation of subsection (a) of section 9-369b or subsection (b) or (c) of
75 section 1-206. The provisions of this subsection shall not apply if such
76 damage or injury was caused by the reckless, wilful or wanton
77 misconduct of such person.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage and applicable to any civil action pending on or filed on or after the effective date of this section</i>	52-557n
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JUD *Joint Favorable*