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FISCAL NOTE (Form 1)
(Office of Fiscal Analysis)
Analyst: SP, 4/15/92
CZ
Version:

BILL NUMBER: SHB 5018
FILE NUMBER:
AMENDMENTS:

TITLE: "AN ACT CONCERNING ACTIONS FOR DAMAGES FOR INJURIES
SUSTAINED ON STATE SIDEWALKS, BRIDGES AND HIGHWAYS"

FAVORABLY REPORTED BY Judiciary

EFFECTIVE DATE: 10/1/92

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5018

STATE IMPACT	Potential Costs (Transportation Fund), Potential Revenue Gain, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	The Transportation and Judicial Departments, Office of the Attorney General

EXPLANATION OF ESTIMATES:

Since the bill eliminates the requirement that a defect on limited access highways or bridges on limited access highways be the sole proximate cause for filing lawsuits, the bill, if passed could have a potential impact on several State agencies, but particularly on the Connecticut Department of Transportation (ConnDOT). For instance, it is anticipated that the number of claims filed against the State could increase. Conversely, the corresponding number of awards for which the State would be responsible could also increase. (Under the proposed bill, a claimant would be able to collect damages from the State, if the State's fault or neglect is greater than the neglect or fault of the injured party. In other words, the State or its employees must bear at least 51% of cause of injury). Thus, as the result of the passage of this bill, it is anticipated that the claim caseload, as well as claim payments, would increase. Since the exact percentage by which claims would increase, (although proportional to fault), is indeterminate, passage of this bill could potentially have a significant impact on the DOT. Moreover, it is very probable that if claim caseloads increase significantly, insurance premium costs or availability could be affected. Lacking history or experience, it is difficult to state how or the extent to which these variables would be affected. While the current primary insurance carrier is responsible for defending the State and related services, should availability become affected, the State would have to become self-insured and the Attorney General's office would have to assume the claim defense responsibility.

Under the latter scenario, additional staff resources would become necessary in the Attorney General's Office. (Since costs for legal counsel incurred by the Attorney General's Office are currently charged to the DOT, it is assumed that any additional expenses will be similarly reimbursed by the DOT).

Summarily, it appears that passage of this bill would increase the DOT's damage awards payments and would necessitate additional staff to handle the claim investigation responsibility and support staff to coordinate the overall claim process. Although total additional costs are at present indeterminate, they could potentially be significant.

The bill would also result in an increase in the number of civil cases filed in Superior Court. While additional cases would increase revenue through civil filing fees, the Judicial Department would also incur increased civil court costs associated with the increase in workload for court staff. Although the revenue gain, as well as cost increases, cannot be determined at the present time, it is anticipated that court costs would exceed the per case filing fee of \$125.