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## OLR Bill Analysis

### SB 204

#### ***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.***

#### **SUMMARY**

Under existing law, political subdivisions of the state (e.g., municipalities) are generally liable for damages to a person or property caused by, among other things, their negligence or the negligence of their employees, officers, or agents acting within the scope of their employment or official duties. However, they are not liable for damages caused by negligent acts or omissions requiring the exercise of judgment or discretion as an official function of authority granted by law (i.e., discretionary actions). So, political subdivisions are immune from civil liability for damages caused by discretionary actions.

Regardless of the exception for negligence caused by discretionary actions above, this bill eliminates the defense of governmental immunity for damages to a person or property caused by any, even discretionary, negligent operation of a motor vehicle owned by a political subdivision, potentially making a political subdivision liable for these damages. (Presumably, this change applies only to motor vehicles operated by an employee, officer, or agent of the political subdivision that owns it.)

EFFECTIVE DATE: Upon passage and applicable to any civil action pending on or filed on or after that date.

#### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 34    Nay 4    (03/29/2022)