

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-204

AN ACT CONCERNING DAMAGES TO PERSON OR PROPERTY CAUSED BY  
THE NEGLIGENT OPERATION OF A MOTOR VEHICLE OWNED BY A

**Title:** POLITICAL SUBDIVISION OF THE STATE.

**Vote Date:** 3/29/2022

**Vote Action:** Joint Favorable

**PH Date:** 3/4/2022

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

SB 204 aims to eliminate governmental immunity as a defense in cases of negligence which involve vehicles operated by political subdivisions of the state, namely first responders en route to an emergency. This would establish the same standard of liability for municipal first responders as applies to those of the state. When emergency services are requested, first responders may exercise professional discretion to disregard traffic laws and signals in order to arrive and begin rendering aid as quickly as possible. These practices are associated with an increased risk to the safety of people and property along the route to the location. SB 204 seeks to incentivize increased caution when operating vehicles in emergency responses by establishing personal liability when operators are negligent. The bill also creates a legal remedy for those who may find themselves involved in an accident with a municipal vehicle resulting in harm.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**None Given**

## **NATURE AND SOURCES OF SUPPORT:**

### **Connecticut Trial Lawyers Association**

The Connecticut Trial Lawyers Association writes in support of SB 204, as it would conform municipal liability to the current State liability to incentivize increased caution and safe driving by state actors. CTLA also observes what they consider to be an unreasonable expansion of governmental immunity, arguing that passing SB 204 would be an important step in curbing this trend.

## **NATURE AND SOURCES OF OPPOSITION:**

### **CONNECTICUT COUNCIL OF SMALL TOWNS - BETSY GARA, EXECUTIVE DIRECTOR**

Mrs. Gara testified in opposition to SB 204, arguing that an increase in liability would both impair emergency response time and expose municipalities to increased liability costs. She also cites *Cole v. City of New Haven*, as an example of existing measures which she feels provide a balanced solution to the instances SB204 seeks to address.

### **The Connecticut Conference of Municipalities - Mike Muszynski, State and Federal Relations Manager**

Mr. Muszynski testified in opposition to SB 204. He warns against disrupting the balance between an injured party's right to recover damages and governments need to function and provide necessary services to residents, positing that this balance is best achieved by present statutes. SB204, he argues, would shift the balance in favor of a plaintiff, and discourage first responders from taking discretionary action which may expose them to liability, thereby potentially impairing response time to 911 calls.

### **Howd & Ludorf LLC - Thomas R. Gerarde**

Mr. Gerarde testified in opposition to SB 204, expressing concerns about the willingness and ability of first responders to promptly arrive to the scenes of several critical and time sensitive scenarios which he lists.

### **David Godbout**

Mr. Godbout opposes SB204 on the basis that legislative proceedings conducted via zoom constitute an unreasonable search of his domicile, and therefore violate the 4<sup>th</sup> amendment. Mr. Godbout expressed concern about the possibility of being prosecuted for what may be visible or audible inside his home while testifying via zoom.

**Reported by: Foster Hall**

**Date: 3/30/22**