



SFAA Supports Connecticut Legislation to Apply Statute of Limitations to Public Owners

Lawmakers in Connecticut are about to consider legislation supported by the surety industry. The Connecticut Construction Industries Association (CCIA) took the lead on HB 5770, and SFAA assisted in crafting the original language. The bill will be heard for the first time in committee on Monday, and Robert Duke, SFAA's Director of Underwriting and Corporate Counsel, will be at the hearing to provide testimony.

The bill would overturn an ancient common law doctrine that dates back to 1250 known as *nullum tempus*. It is an old English common law doctrine that governments have used to bring suits for damages that would otherwise be barred by the statute of limitations.

HB 5770 would overrule the Connecticut Supreme Court's ruling in *Connecticut vs Lombardo Brothers* in which the court permitted the State to sue for alleged design and construction defects 12 years after the construction project had been completed, by which time the statute of limitations and repose had expired.

If you have any questions or would like more information, please contact Lenore Marema, SFAA's Vice President of Government Affairs (202-778-3637 / lmarema@surety.org) or Don Shubert, President of CCIA (860-529-6855 / dshubert@ctconstruction.org).

H.B. No. 5570 (RAISED) JUDICIARY. 'AN ACT CONCERNING THE APPLICABILITY OF STATUTES OF LIMITATIONS TO ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE', to address the holding in *State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et al.* by abrogating the common law doctrine of *nullum tempus occurrit regi* (no time runs against the king) in specific tort, product liability and contract actions for the purpose of extending the statutes of limitations for bringing a claim in those actions to the state and any political subdivision of the state.

REF. JUDICIARY