

Legislative History for Connecticut Act

SB 121 PA 121 1945

Judiciary 602 - 606
Senate 159.

House 490, 513

(8)

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library
Compiled 2015

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
VOL. 3
PAGES 505 - 783

CONN.
GENERAL
ASSEMBLY
1945

CONN.
STATE
LIBRARY

Chr. RisCassi: Any one else opposed? If not I declare the hearing closed.
I am informed S. B. 357 and S. B. 120 are also on compulsory insurance and we will dispose of that matter and if any one -

Mr. Waterhouse: The reason I said it is not insurance -

Chr. RisCassi: Perhaps we better take these Bills in order as we go along and avoid confusion. Take

S. B. 120 (Sen. RisCassi) AN ACT CONCERNING FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OPERATORS AND REGISTRANTS, any one in favor? Any one opposed?

Mr. Pierce: I want to register my same objections to 120 as I did to the previous Bill. In addition to what I said on the other Bill I also point out this 120 has no provision for assigned reasons and without such provision insurance companies could not control who would drive on the highways other than Commissioner and so that is wrong.

Chr. RisCassi: Any one else opposed?

Mr. Wiley: Knox Connecticut Insurance Agents, I wish to register the opposition of that organization to this Bill.

Chr. RisCassi: Now in order to save time we have a memorandum here you can register against, but those who wish to speak we will hear those and if you merely wish to register sign with the Secretary, and if not we will declare the hearing closed.

Arthur A. Watson, Chr. Legis. Com. Conn. Assn. Ins. Agts., registered against S. B. 120, also G. Anderson, Jr., Htfd. Ass. & Ind. Co., P. L. Avery, R. J. Farrell Agency and Edw. H. Everest (Mutual Agents Ins.), New Haven.

S. B. 357 (Sen. Malkan) AN ACT CONCERNING AUTOMOBILE ACCIDENT RELIEF.

C. N. Wiley, Sen. Latimer, Clarence W. Crook, Edw. H. Everest (Mutual Agents Ass), Wm. Wiley, Pres. Conn. Assn. of Ins. Agents, V. F. Wilcox, Jr., Arthur A. Watson, Chr. Leg. Com. Conn. Assn. Ins. Agents, E. S. Cowles, Jr., E. S. Cowles & Son, P. L. Avery, R. J. Farrell Agency, registered against the Bill.

S. B. 116 (Sen. Leipner) AN ACT CONCERNING NON-SUPPORT LAWS, any one in favor? Any one opposed? Declare the hearing closed.

Rep. Johnson registered against the Bill, also Re. Wm. Curtis.

Wm. J. Smith, State Welfare Dept. registered for the Bill.

S. B. 121 (Sen. RisCassi) AN ACT CONCERNING ACTIONS FOR INJURIES RESULTING IN DEATH, any one in favor? Any one opposed? Mr. Berry? Mr. Cool?

Mr. Cool: Is it closed as far as those in favor?

Chr. RisCassi: Those in favor of 121 I will hear those.

Mr. Cool: I did not draft the Bill and I just happened to see it here. I think it is a good Bill and I am in favor of it and the only reason I am in favor of it is I think the decrease in the value of the dollar and rise in cost in cost of living naturally should be a greater amount of compensatory damages granted in death cases.

Chr. RisCassi: Would you make the same argument if we had a decrease in the cost of living?

Mr. Cool: I think it would apply to the same thing.

Chr. RisCassi: You are an unusual man and I never heard such a thing in the last 3 Assemblies.

Mr. Cool: Well what are we all here for if in 20 years or 25 years from to-day whatever we do it doesn't matter unless it is for common good and have to strike a medium and I may be against a thing one day and for it and can only say what we are up against it and I want to congratulate you.

Chr. RisCassi: Thank you. Mr. Berry.

Mr. Berry: I appear in this case for the Connecticut Co. They have 20 thousand busses running around and they insure their liability beyond 10 thousand, so if any increase in death increases the cost materially to the cost of the Company when it is increased to \$25,000. we will say and that is bound to be the situation. And I also want to speak from that standpoint and also from the standpoint of the average individual, the ordinary individual. Now at the present time, of course, insurance rates are low on account of the gas situation and as soon as the gas situation clears up, of course, rates are going to be increased and going to be increased also because if the limit is placed in \$25,000. then, the increase, I have a letter from a large insurance firm, when increased limit of 25 has the tendency to push the cost up in each case, just as the limitation from 10 to 15 and that is a few years ago. Insurance rates are low now due to the traffic and after the War will go higher and I have the idea in death cases will be increased more. Now as stated by a gentleman, 52 per cent of cars in Connecticut are insured and your last survey was 54 per cent and I think that was by the Columbia University. Now I don't think you should do anything unless you have that compulsory insurance Bill if you are going to have what you have and don't do anything to discourage taking out insurance and should have something as possible to take out and if not necessary for the State of Connecticut to take out insurance, which I don't say pro or con, I think we should do all we can not to discourage taking out insurance and, therefore, I submit anything that increased the present death limit is going to make, of course, in the financial responsible law will have to be changed and you now have \$15,000. for any one has to put up 15 and if you

raise the financial responsible laws have to be changed and making that \$25,000. cost not fair to make it on 25 thousand if you are to have the financial responsible law in the same proportion as to-day.

Chr. RisCassi: Mr. Berry with increase in premium of insurance can you tell me what the increase will result ?

Mr. Berry: It is very difficult to obtain that because at the present time rates based on A, B, C rates and so it is very difficult and experience will count. Now with my company I am talking about they base their premium charge upon the gross receipts plus the expense of the previous year and that is the way they base them, so we have not any definite figure to put on there only they say they are going to be very substantially increased.

Chr. RisCassi: I increased my insurance and look at the test you are applying and you are applying a test that seems unfair and the test is what that will cost an individual to get on the highway and kill some one. Now do you know how many states have a limitation as to what you can collect, most 15 ?

Mr. Berry: Oh, yes, a lot of them have and most have 10 thousand and, of course, in Massachusetts, right up above here, 10 thousand and I think half of them have limitation and half of them have no limitation.

Chr. RisCassi: Don't you think the test should be the individual who is insured and the estate who suffers loss and I listened to so many arguments on compulsory insurance and I think you people have been evading the question for a long time.

Mr. Berry: I don't, but one way or the other about compulsory law I never have and so far as any clients I have and never had and I do say this if there is going to be any change in this death Statute I certainly think you ought to do a real job.

Chr. RisCassi: Knock it out completely ?

Mr. Berry: Oh, no, no, I don't mean that at all, I mean make the damages so we will know what they are and make some commonsense and at the present time there is no commonsense to our death Statute and every one of you will agree and no sense and that so and its economic laws to the State and if no economic law you recover just the same and whatever the jury gives you, whether 1 thousand, 2 thousand, that ends it and no way to appeal case and no Supreme Court has said in death case has been inadequate and just simply what a jury gives you for what ? Because they say if no economic laws you recover for death itself and the only sensible rule if anything done to this Statute is to adopt the New York rule of damages and that is pecuniary damage to next of kin and in New York works this way; if a man killed and has a large family and the pecuniary loss to that family is great and if he has no family at all and perhaps a single man and no one to depend on him the pecuniary loss is none, and take it

in our situation, a man with the greatest number of children theoretically his estate will recover less than the man who has no children at all, but just wife because if he has to support and educate the children he will leave very little when he dies, therefore his loss to the estate is very small whereas if he just has wife and can save money all his life his loss to the estate is large and theoretically that is law and it is wrong. I am not certain about that. I don't think that is a very material factor anyway and only enters in a small percentage of cases and I know you do, but I think it is in very few cases would it amount to very much.

Sen. Coles: \$1000. ?

Mr. Berry: Very few cases would amount to much, but I say this, that if you are going to do anything, if you are going to raise the limit up here, I think we ought to have that New York rule. I think it would be a very excellent change in our law, because you know perfectly well that you don't know and I don't know what the pecuniary loss is in the ordinary cases and we guess at it and we say here is a man 50 old and I tried a case a man 40 years old and I will get \$40,000. and that is perfectly absurd and tried another where they gave \$1700. and that is all perfectly absurd and the Supreme Court says they cannot abide by any verdict by jury and there ought to be some way where you have a man earning \$50. a week and he has got a family and two or three children and his wife and they will get say the benefit of say \$35. a week and paying \$15. for himself, then you have the loss of that family and it is \$35. a week perhaps for the rest of his life and if discounted, of course, for cash, but you have something to talk about and something to go upon, but I say if any change going to be made, I have got a little statement here of private in action brought by executor for injuries resulting in death whether accidentally or otherwise, such executor may recover from just damages not exceeding blank dollars providing no action shall be brought for such damages until within one year and now this is additional damages recoverage in any such action shall be basis solely on pecuniary -

Chr. RisCassi: Do you think you could strike out the whole Statute ?

Mr. Berry: You have 22 which strike out the whole Statute, because you got a child who is probably going to grow up and child may be an earner for the family and may be an earner until emancipated in any event and you have not got any earning, but what basis have you to go on to-day and nothing but your God.

Chr. RisCassi: Economic value to her estate.

Mr. Berry: I say you have more deaths because you have at least got the time before a jury could say before this child would grow up and be earning for 5 years and be

earning perhaps after emancipation would be earning.
Chr. RisCassi: Mr. Berry, see employees killed and receive compensation, don't they get so much for death of husband a week ?

Mr. Berry: Oh, yes, certainly they do and it is based on the dependency records, and, of course, the Federal Employees' Act based on dependency also and, in other words, it is an endeavor to make the persons who really suffer a loss pay, the way our Statute is at present and this will cost a great deal more and in substantial number of cases may cost more, but cost more in most of the cases, but would be at least something you could argue about and you would have some point to make in the Supreme Court whether a verdict was inadequate or excessive and you have nothing to-day and they won't even talk to you.

Chr. Wanderer: I presume your argument for 121 would also apply to 122 ?

S. B. 122 (Sen. RisCassi) AN ACT CONCERNING ACTIONS FOR INJURIES RESULTING IN DEATH.

Mr. Berry: Well 122, of course, that would suit me and from the time up because repeals all death Statutes and no death Statute in 122 and says the purpose of this act is to abolish the limit placed on recovery of damages for fatal injury, and you have no Statute left and very good and 122 is splendid.

Chr. Wanderer: Any one else wish to be heard or opposed to 121 ? If not the hearing is closed.

S. B. 123 (Sen. RisCassi) AN ACT CONCERNING THE STATUS OF REPEALED OR AMENDED STATUTES, any one in favor ? Any one opposed ? The hearing is closed.

S. B. 291 (Sen. Aaron) AN ACT CONCERNING LIENS OF FACTORS UPON MERCHANDISE, any one in favor ?

Mr. Galvin: Thomas F. Galvin, Attorney from Hartford. The aim of this Bill is to assist manufacturers and especially mill owners to use the real one asset they have, which is their inventory to finance their business operations. It is aimed primarily, as I said, at mills to help mills, but would cover any manufacturers establishment that has inventory consisting of goods either in the raw state, semi-finished or the finished state. It aims to do this by doing away with the common law necessity of having to transfer the actual possession of the goods to the leinor in order to give the leinor a lien. Now Bills similar to this, almost identical, in fact, have already been passed in the following states: New York, Rhode Island, New Jersey, South Carolina, New Hampshire, Maine, North Carolina, Maryland, West Virginia and Virginia and 11 states and they are almost identical in the wording with this and New York was the first one that had the law and passed in 1911 and that is why we refer to it as the

S-1

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1945 REGULAR
SESSION

MY 1946
SPECIAL SESSION

- 3 -

S.B. No. 222 AN ACT CONCERNING THE COMPLETION OF COMPENSATION MATTERS IN CASE OF THE DEATH OF A COMMISSIONER.

Senator Coles; 22nd District: The Act has one simple change. It permits a compensation commissioner who has succeeded another to complete the hearings and make final disposition of a case.

The bill was passed.

S.B. No. 121 AN ACT CONCERNING ACTIONS FOR INJURIES RESULTING IN DEATH.

Senator Coles; 22nd District: This raises the statutory margin for recovery from fifteen thousand dollars to twenty thousand dollars in case of death. It is the only change in the bill.

Sub. S.B. No. 17 AN ACT CONCERNING THE PURCHASE OF FEDERAL SURPLUSES.

Senator Coles; 22nd District: This bill permits the State Department of Health and any department of Connecticut with authority to enter into a contract with the federal government for the purpose of purchasing surplus supplies. It provides that any provision in the statutes will not be in effect if it restricts this measure. It seems desirable so that not only the State but municipalities may purchase quickly any supplies put on sale.

Senator RisCassi; 3rd District: I just want to point out that this was a democratic platform bill. It is recognized as a good measure and the value to all the State and any municipality who wishes to avail itself of it, is easy to be seen. There is no red tape of town votes and bids etc.

Senator Brock; 12th District: The Senator from the 3rd is soliciting business for the Director of Surplus Commodities, I presume.

The bill was passed.

H.B. 34 AN ACT CONFERRING UPON THE GREENWICH CENTER FOR CHILD AND FAMILY SERVICE, INCORPORATED, AUTHORITY TO ACT AS GUARDIAN.

Senator Coles; 22nd District: This bill merely permits the Center to be made authority in care of minor children. They have not had that authority at the present time.

The Bill was Passed.

H-2

CONNECTICUT
GEN. ASSEMBLY

HOUSE

PROCEEDINGS
1945

VOL. 1
PART 2
381-804

4-26-45

2.

concurrence with the Senate: EDUCATION: Senate Bills Nos. 828 and 829; JUDICIARY - Senate Bill No. 830.

The following reports of the committees named were received from the Senate, the bills were read the second time and were tabled for the Calendar:

CITIES AND BOROUGHS: Senate Bills Nos. 164 and 605; ELECTIONS: Senate Bill No. 205 (substitute); INCORPORATIONS: Senate Bills Nos. 256; 808 and 809; JUDICIARY Senate Bill No. 17 (substitute); Senate Bills Nos. 121 and 222.

The following bills were taken from the table, read the third time, the reports of the committees named accepted and the bills passed without debate:

House Bill No. 265 - FINANCE: House Bill No. 265 - An Act Amending the Charter of the Litchfield County Hospital of Winchester, as explained by Mrs. Miller of Preston, this measure would exempt the Litchfield County Hospital from property taxation without limits as to the amount of property which is or may be held.

House Bill No. 956 - FINANCE - An Act Amending the Charter of the City of Bristol, concerning the Board of Finance, as explained by Mrs. Miller of Preston, a member of the committee, this measure would authorize the Board of Finance of Bristol to make up City budgets and make extra-budgetary transfers of funds in any amounts less than \$5000.

House Bill No. 442 - "An Act Providing for a Pension for Charles Bates Dana." As explained by Mr. Curtiss, House Chairman of the committee this measure would authorize the Town of Darien to pay a pension to Charles Bates Dana of Darien. (PUBLIC PERSONNEL)

House Bill No. 611 - PUBLIC PERSONNEL: "An Act Concerning Relation between the State Employees' Retirement System and the Teachers' Retirement Association." As explained by Miss Little, a member of the committee, this measure would empower the state employees retirement commission and the state teachers' retirement board through concurrent action to allow transfers of employees from one pension system to the other.

Substitute for House Bill No. 1154 - INCORPORATIONS: An Act Amending the Charter of the Manchester Memorial Hospital. As explained by Mr. Hodge of Orange, a member of the committee, this measure would increase the board of directors of the Manchester Memorial Hospital from 18 to 24.

Reports were received from the committee on Forfeited Rights, were read the third time, the reports of the committee were accepted and the resolutions passed by a two-thirds rising vote, as

5.1.45

11

The following Senate bills were passed without debate: Nos. 121, 164, 205 (this bill was transmitted to the Engrossing Clerk under suspension of the rules) 22, 256, 605, 806, 809 (House Bill).

Extension of Remarks: House Bill No. 564 - Judiciary - An Act Concerning Trespass by Public Service Companies, reported unfavorably by the said committee - the report of the committee was accepted and the bill rejected by a Yea and Nay vote -121 in favor and 85 opposed.

Mr. Shapiro, Farmington: Mr. Speaker, this bill provides that Public Service companies who maintain poles or wires be subjected to payment of a \$5.00 fine per day if it appears that these poles were placed on property upon which they have trespassed. In connection with this bill, the situation has developed into one whereby the matter intended to be covered by this bill is one that concerns a boundary dispute in one particular instance, a matter and situation which should be adjudicated by the courts, a matter which should be properly brought before the Superior Court. Such a piece of legislation has no place on the statute books. I, therefore, move that the committee's report be accepted and the bill rejected.

Mr. Gosinski, Plymouth: This bill we have here, Mr. Speaker, I think is a very good bill. It fixes a penalty on public utilities for trespass. This bill - "Concerning Trespass by Public Service Companies, providing for penalties to such companies for willful trespass on land of others by location of poles or wires" has nothing bad in it for anybody. Now, the previous speaker told you that there is no place on the books for a law like this. It states here that after they have been notified within ten days, if they have not removed said obstruction, they are to pay a fine of \$5.00 per day for each day that the pole remains on the property. These companies before they place their wires or poles should make sure that they are in the right place. Now, it is evident - it is known that they do trespass.