



# Senate

General Assembly

**File No. 734**

January Session, 2025

Substitute Senate Bill No. 1330

*Senate, April 23, 2025*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING AN ACCIDENTAL FAILURE TO FILE AN ACTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-592 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) If any action, commenced within the time limited by law, has  
4 failed one or more times to be tried on its merits because of insufficient  
5 service or return of the writ due to unavoidable accident or the default  
6 or neglect of the officer to whom it was committed, or because the action  
7 has been dismissed for want of jurisdiction, or the action has been  
8 otherwise avoided or defeated by the death of a party or for any matter  
9 of form; or if, in any such action after a verdict for the plaintiff, the  
10 judgment has been set aside, or if a judgment of nonsuit has been  
11 rendered or a judgment for the plaintiff reversed, the plaintiff, or, if the  
12 plaintiff is dead and the action by law survives, his executor or  
13 administrator, may commence a new action, except as provided in  
14 subsection (b) of this section, for the same cause at any time within one

15 year after the determination of the original action or after the reversal of  
16 the judgment. For purposes of this section, receipt in the underlying  
17 action of the summons and complaint by the defendant or the  
18 defendant's agent or representative, including the defendant's insurer  
19 obligated to defend the action, shall be a sufficient, but not exclusive  
20 means to constitute commencement of the action.

21 (b) When any action has been brought against an executor or  
22 administrator or continued against an executor or administrator after  
23 the death of the defendant and has failed for any of the causes listed in  
24 subsection (a) of this section, the plaintiff, or his executor or  
25 administrator in case a cause of action survives, may commence a new  
26 action within six months after the determination of the original action.

27 (c) If an appeal is had from any such judgment to the Supreme Court  
28 or Appellate Court, the time the case is pending upon appeal shall be  
29 excluded in computing the time as above limited.

30 (d) The provisions of this section shall apply to any defendant who  
31 files a cross complaint in any action, and to any action between the same  
32 parties or the legal representatives of either of them for the same cause  
33 of action or subject of action brought to any court in this state, either  
34 before dismissal of the original action and its affirmance or within one  
35 year after the dismissal and affirmance, and to any action brought to the  
36 United States circuit or district court for the district of Connecticut  
37 which has been dismissed without trial upon its merits or because of  
38 lack of jurisdiction in such court. If such action is within the jurisdiction  
39 of any state court, the time for bringing the action to the state court shall  
40 commence from the date of dismissal in the United States court, or, if an  
41 appeal or writ of error has been taken from the dismissal, from the final  
42 determination of the appeal or writ of error.

43 (e) The provisions of this section shall apply to any claim against the  
44 state for which a notice of claim has been properly and timely filed with  
45 the Office of the Claims Commissioner in accordance with sections 4-  
46 147 and 4-148 and which thereafter has been dismissed by the Office of  
47 the Claims Commissioner pursuant to section 4-142.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2025</i>	52-592
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**JUD**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes clarifying changes to the "accidental failure of suit" law which is not anticipated to result in a fiscal impact to the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

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**OLR Bill Analysis****sSB 1330*****AN ACT CONCERNING AN ACCIDENTAL FAILURE TO FILE AN ACTION.*****SUMMARY**

The state's "accidental failure of suit" law generally authorizes a new lawsuit to be filed within one year after a case was dismissed because of certain reasons unrelated to the merits, even though the statute of limitations has expired. For this law to apply, the original case must have been commenced within the statute of limitations.

This bill provides that, for purposes of this law, a defendant's receipt of the summons and complaint in the underlying case is a sufficient way to constitute the case's commencement, but not the only way (see BACKGROUND). It specifically applies not just to receipt by defendants but also by their agents or representatives, including insurers obligated to defend the case.

EFFECTIVE DATE: October 1, 2025

**BACKGROUND*****Accidental Failure of Suit Law***

This law (sometimes also called the "savings" statute) applies to cases dismissed due to lack of jurisdiction, problems with service, the death of a party, or a matter of form. The one-year period is reduced to six months if the dismissed case was against an executor or administrator of a defendant who has died.

***Related Case***

A recent state Supreme Court case considered whether a plaintiff had commenced his original lawsuit within the time allowed by law under the accidental failure of suit statute. In the underlying case (involving a

motor vehicle accident), a state marshal left a copy of the summons and complaint at the defendant's former property and the plaintiff's attorney notified the defendant's automobile insurer. But neither the defendant nor her power of attorney received a copy of the summons and complaint until after the statute of limitations had expired.

After the trial court dismissed the case for improper service, the plaintiff refiled the case under the accidental failure of suit law. On appeal, the state Supreme Court ruled that a case is "commenced" for purposes of the accidental failure of suit law when a defendant has actual or effective notice of the action by receiving the summons and complaint within the time permitted by law, even if the process was improperly served (*Laiuppa v. Moritz*, 350 Conn. 457 (2024)).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    41    Nay   0    (04/04/2025)