



General Assembly

January Session, 2025

Raised Bill No. 1330

LCO No. 4679



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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 Section 52-592 of the general statutes is repealed and the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 of the summons and
17 complaint by the defendant or the defendant's agent or representative,
18 including the defendant's insurer obligated to defend the action, shall
19 be sufficient, but not exclusive, means to constitute commencement of
20 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	October 1, 2025	52-592
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Statement of Purpose:

To provide that the receipt of a summons and complaint by the defendant or the defendant's agent or representative, including the defendant's insurer obligated to defend the action, shall be sufficient, but not exclusive, means to constitute commencement of an action.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]