

---

## **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)