

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 25-118—sSB 1330

Judiciary Committee

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 for certain reasons unrelated to the merits, even though the statute of limitations expired. For this law to apply, the original case must have been commenced within the statute of limitations.

This act provides that, for purposes of this law, a defendant’s receipt of the summons and complaint in the underlying case qualifies as the case’s commencement, but is not the only event that does so (see **BACKGROUND**). It specifically applies not just to receipt by defendants but also by their agents or representatives, including the defendant’s purported insurer allegedly obligated to defend the case.

The act specifies that its provisions, and the existing provisions of the accidental failure of suit law, do not:

1. designate an insurer as an agent for service of process on the purported insured’s behalf,
2. affect the requirements of formal service under law or court rules,
3. obligate the insurer to serve any complaint or other legal action on the purported insured,
4. remove the plaintiff’s obligation to properly serve process on the purported insured within the accidental failure of suit law’s time frames, or
5. affect whether the served insurer owes a duty to defend or to provide indemnity coverage to the purported insured.

The act further specifies that the served insurer’s actions or omissions cannot be deemed an admission or relevant as to whether the insurer owes this duty.

Lastly, the act specifies that its provisions (and existing law’s provisions) apply only to the question of whether a case was timely brought for purposes of this savings provision under law.

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 started 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 had received a copy of the summons and complaint when the statute of limitations expired. (The power of attorney received a copy a few days after that.)

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)).