

2023 -- S 1044

LC002980

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
DECISIONS, SPECIAL FINDINGS AND ASSESSMENT OF DAMAGES

Introduced By: Senators F. Lombardi, LaMountain, McKenney, Ujifusa, Euer, and Zurier

Date Introduced: May 19, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-20-4 of the General Laws in Chapter 9-20 entitled "Decisions,
2 Special Findings and Assessment of Damages" is hereby amended to read as follows:

3 **9-20-4. Comparative negligence.**

4 In all actions hereafter brought for personal injuries, or where personal injuries have
5 resulted in death, or for injury to property, the fact that the person injured, or the owner of the
6 property or person having control over the property, may not have been in the exercise of due care,
7 the fact that the person injured may have assumed the risk of injury and/or death, or the fact that
8 the danger or defect was open and obvious shall not bar a recovery, but damages shall be diminished
9 by the finder of fact in proportion to the amount of negligence attributable to the person injured, or
10 the owner of the property or the person having control over the property.

11 SECTION 2. This act shall take effect upon passage.

LC002980

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
DECISIONS, SPECIAL FINDINGS AND ASSESSMENT OF DAMAGES

- 1 This act would add the doctrine of assumption of risk to the current comparative negligence
2 statute.
3 This act would take effect upon passage.

=====
LC002980
=====