

**2019 -- H 5478 SUBSTITUTE A**

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LC001525/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

Introduced By: Representatives Craven, Millea, and McEntee

Date Introduced: February 14, 2019

Referred To: House 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  
7 care or the fact that the danger or defect was open and obvious shall not bar a recovery, but  
8 damages shall be diminished by the finder of fact in proportion to the amount of negligence  
9 attributable to the person injured, or the owner of the property or the person having control over  
10 the property.

11           SECTION 2. This act shall take effect upon passage; however, the "open and obvious"  
12 amendment shall only apply to personal injuries or personal injuries that have resulted in death or  
13 injury to property that occur after the passage of the act.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide that an open and obvious danger or defect is not a complete bar to  
2 recovery of damages in personal injury or property damage actions.

3           This act would take effect upon passage, however the open and obvious amendment shall  
4 only apply to personal injuries or personal injuries that have resulted in death or injury to property  
5 that occur after the passage of the act.

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