

Offered: 4/15/70
Referred: Commerce

Original sponsor: Kay

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 336

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a comparative negligence method of
7 determining damages in negligence actions."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.65 is amended by adding a new section to read:

10 Sec. 09.65.110. DAMAGES IN NEGLIGENCE ACTIONS INVOLVING CONTRI-
11 BUTORY NEGLIGENCE. (a) Contributory negligence shall not bar a
12 recovery in an action by a person or his legal representative to recover
13 damages for negligence resulting in the death of, or injury to, the per-
14 son, or injury to his property, if the contributory negligence was not
15 as great as the negligence of the person from whom recovery is sought.
16 Any damages awarded shall be diminished in proportion to the amount of
17 negligence attributable to the person awarded the damages.

18 (b) In an action to which (a) of this section applies, the court,
19 in a nonjury trial, shall make findings of fact or, in a jury trial,
20 the jury shall return a special verdict which shall state:

21 (1) the amount of the damages which would have been recov-
22 erable if there had been no contributory negligence; and

23 (2) the degree of negligence of each party, expressed as a
24 percentage.

25 (c) Upon the making of the finding of fact or the return of a
26 special verdict, required under (b) of this section, the court shall
27 reduce the amount of the verdict in proportion to the amount of negli-
28 gence attributable to the person awarded the damages. However, if that
29 proportion is equal to or greater than the negligence of the person

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against whom recovery is sought, then the court shall enter a judgment
for the defendant.