

Introduced: 2/16/71
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY ROSE

2 HOUSE BILL NO. 176

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST 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 does 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
14 person, or injury to his property, if the contributory negligence was
15 not as great as the negligence of the person from whom recovery is
16 sought. Any damages awarded shall be diminished in proportion to the
17 amount of 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 a finding of fact or, in a jury trial,
20 the jury shall return a special verdict which states:

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.

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