

1 IN THE SENATE

BY RADER BY REQUEST

2 SENATE BILL NO. 166

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH 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; and  
8 providing for an effective date."

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

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

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

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

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

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

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

1 \* Sec. 2. This Act applies only to causes of action which arise sub-  
2 sequent to the effective date of this Act.

3 \* Sec. 3. This Act takes effect on the day after its passage and approval  
4 or on the day it becomes law without approval.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29