

Original sponsor: Cowper

Offered: 4/15/75  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 176

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a comparative negligence method of  
7 determining damages; and providing for an effective  
8 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. 09.65.130. CONTRIBUTORY NEGLIGENCE NO BAR TO ACTION; MODIFIED  
12 COMPARATIVE NEGLIGENCE. (a) In any action to recover damages for death  
13 or for injury to persons or property in which contributory negligence  
14 may be asserted as a defense, contributory negligence shall not bar  
15 recovery if the negligence of the person seeking recovery was not greater  
16 than the negligence of the person or persons against whom recovery is  
17 sought, but any damages allowed shall be diminished in proportion to the  
18 amount of negligence attributable to the person seeking recovery.

19 (b) In an action to which (a) of this section applies the judge  
20 may, and when requested by any party shall instruct the jury that

21 (1) the claimant may not recover if his contributory negli-  
22 gence has contributed more to the injury than the negligence of the  
23 defendant or the combined negligence of multiple defendants;

24 (2) if the jury determines the claimant is entitled to  
25 recover, it shall return by general verdict the total amount of damages  
26 the claimant would be entitled to recover except for his contributory  
27 negligence;

28 (3) if the jury determines that a claimant is entitled to  
29 recover, it shall return a special verdict indicating the percentage of

1 negligence attributable to each party.

2 (c) The percentage of negligence attributable to the claimant  
3 shall reduce the amount of his recovery by the proportionate amount of  
4 his negligence.

5 Sec. 09.65.140. MULTIPLE PARTIES. (a) Each defendant is jointly  
6 and severally liable for the entire amount of the judgment awarded the  
7 claimant.

8 (b) Contribution among jointly liable defendants shall be as  
9 provided in AS 09.16.

10 \* Sec. 2. AS 09.16.020 is amended to read:

11 Sec. 09.16.020. PRO RATA SHARES. In determining the pro rata  
12 shares of tortfeasors in the entire liability

13 (1) their relative degrees of fault shall [NOT] be considered;

14 (2) if equity requires, the collective liability of some as  
15 a group constitutes a single share; and

16 (3) principles of equity applicable to contribution generally  
17 shall apply.

18 \* Sec. 3. This Act applies to causes of action accruing after the effec-  
19 tive date of this Act.

20 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
21 070(c).