

BY RODEY, RADER, CROFT,
ORSINI AND COLLETTA

1 IN THE SENATE

2 SENATE BILL NO. 204

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: COMPARA-
12 TIVE NEGLIGENCE. (a) Contributory negligence does not bar recovery in
13 an action by a person or his legal representative to recover damages for
14 conduct resulting in death or in injury to a person or to property,
15 but damages allowed shall be diminished in proportion to the percentage
16 of negligence attributable to the recovering party.

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

20 (1) the amount of damages which would have been recoverable
21 if there had been no contributory negligence; and

22 (2) the degree of negligence of the recovering party,
23 expressed in a percentage.

24 (c) The court shall determine the amount of recovery by reducing
25 the amount determined under (b)(1) of this section in proportion to the
26 percentage of negligence attributable to the recovering party under
27 (b)(2) of this section.

28 (d) This section applies to all causes of action accruing
29 after the effective date of this Act.

1 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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