

2018 -- S 2862

LC005534

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

Introduced By: Senators Archambault, Lombardi, Jabour, and Lynch Prata

Date Introduced: May 03, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-20-4 of the General Laws in Chapter 9-20 entitled "Decisions,
2 Special Findings and Assessment of Damages" is hereby amended to read as follows:

3 **9-20-4. Comparative negligence.**

4 In all actions hereafter brought for personal injuries, or where personal injuries have
5 resulted in death, or for injury to property, the fact that the person injured, or the owner of the
6 property or person having control over the property, may not have been in the exercise of due
7 care or the fact that the danger or defect was open and obvious shall not bar a recovery, but
8 damages shall be diminished by the finder of fact in proportion to the amount of negligence
9 attributable to the person injured, or the owner of the property or the person having control over
10 the property.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY

1 This act would provide that an open and obvious danger or defect is not a complete bar to
2 recovery of damages in personal injury or property damage actions.

3 This act would take effect upon passage.

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