

2021 -- S 0736 SUBSTITUTE A

LC002421/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
CAUSES OF ACTION

Introduced By: Senators Archambault, and McCaffrey

Date Introduced: March 26, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-1-32 of the General Laws in Chapter 9-1 entitled "Causes of
2 Action" is hereby amended to read as follows:

3 **9-1-32. Effect of alteration of product after sale.**

4 (a) As used in this section:

5 (1) "Product liability damages" means damages because of personal injury, death, or
6 property damage sustained by reason of an alleged defect in a product, or an alleged failure to warn
7 or protect against a danger or hazard in the use or misuse of the product, or an alleged failure to
8 instruct properly in the use of a product.

9 (2) "Subsequent alteration or modification" means an alteration or modification of a
10 product made subsequent to the manufacture or sale by the manufacturer or seller which altered,
11 modified, or changed the purpose, use, function, design, or manner of use of the product from that
12 originally designed, tested, or intended by the manufacturer, or the purpose, use, function, design,
13 or manner of use or intended use for which the product was originally designed, tested, or
14 manufactured.

15 (3) "Person injured" means the person that sustained damages because of personal injury,
16 death, or property damage.

17 (b) ~~No manufacturer or seller of a product shall be liable for product liability damages~~
18 ~~where a substantial cause of the injury, death, or damage was a subsequent alteration or~~

1 ~~modification.~~ Any defense claimed by the manufacturer or seller that the person injured made a
2 subsequent alteration or modification to the product that is found to be a significant contributing
3 factor to the injury, death, or property damage shall be controlled by the comparative negligence
4 provisions of § 9-20-4.

5 SECTION 2. This act shall take effect upon passage and shall only apply to causes of action
6 and claims arising after the effective date of this act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would eliminate the defense for a manufacturer or seller in a products liability
2 case, that a substantial cause of the injury, death, or damage was a subsequent alteration or
3 modification of the product. Liability would be determined by comparative negligence.

4 This act would take effect upon passage and would only apply to causes of action and
5 claims arising after the effective date of this act.

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