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S.278

2 An act relating to prohibiting a comparative negligence defense in an action  
3 for a negligence claim relating to a sexual act or sexual conduct

4 The House proposes to the Senate to amend the bill by striking out all after

5 the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 12 V.S.A. § 1036 is amended to read:

7 § 1036. CONTRIBUTORY AND COMPARATIVE NEGLIGENCE

8 (a) Contributory negligence shall not bar recovery in an action by any  
9 plaintiff, or ~~his or her~~ the plaintiff's legal representative, to recover damages  
10 for negligence resulting in death, personal injury, or property damage, if the  
11 negligence was not greater than the causal total negligence of the defendant or  
12 defendants, but the damage shall be diminished by general verdict in  
13 proportion to the amount of negligence attributed to the plaintiff. Where  
14 recovery is allowed against more than one defendant, each defendant shall be  
15 liable for that proportion of the total dollar amount awarded as damages in the  
16 ratio of the amount of ~~his or her~~ the defendant's causal negligence to the  
17 amount of causal negligence attributed to all defendants against whom  
18 recovery is allowed.

19 (b) Contributory and comparative negligence shall be prohibited as a  
20 defense to limit a plaintiff's recovery for damages in an action for a negligence

- 1 claim relating to a sexual act as defined in 13 V.S.A. § 3251 or sexual conduct
- 2 as defined in 13 V.S.A. § 2821.
- 3 Sec. 2. EFFECTIVE DATE
- 4 This act shall take effect on passage.