

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 278
3 entitled “An act relating to prohibiting a comparative negligence defense in an
4 action for a negligence claim relating to a sexual act or sexual conduct”
5 respectfully reports that it has considered the same and recommends that the
6 House propose to the Senate that the bill be amended by striking out all after
7 the enacting clause and inserting in lieu thereof the following:

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

9 § 1036. CONTRIBUTORY AND COMPARATIVE NEGLIGENCE

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

1 (b) Contributory and comparative negligence shall be prohibited as a
2 defense to limit a plaintiff’s recovery for damages in an action for a negligence
3 claim relating to a sexual act as defined in 13 V.S.A. § 3251 or sexual conduct
4 as defined in 13 V.S.A. § 2821.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.

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13 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE