



## Rhode Island Insurance Federation

Via Email to [HouseJudiciary@rilegislature.gov](mailto:HouseJudiciary@rilegislature.gov)

March 11, 2025

Representative Robert E. Craven  
Chair, House Judiciary Committee  
Rhode Island State House  
Providence, RI 02903

RE: House Bill 5910—Adds the doctrine of assumption of risk to the current comparative negligence statute—Statement in Opposition.

Dear Chair Craven:

The Rhode Island Insurance Federation submits this statement in opposition of House Bill No. 5910, which adds the assumption of risk doctrine to the comparative negligence statute.

Under the traditional assumption of risk doctrine, a person who knowingly and voluntarily accepted a known risk or danger is prohibited from recovery. However, this legislation will change the Rhode Island statutory scheme for the assumption of risk to comparative negligence. This standard will unnecessarily introduce more complexity into the resolution of these cases, causing delays for our policyholders and increased costs to the system.

Whether discussing an errant hockey puck, like in *Kennedy v. Providence Hockey Club*, or the personal exposure for someone who took all the necessary precautions and/or posted warnings for a danger on their property, it will be increasingly difficult for the courts and juries to precisely award damages under a comparative negligence standard. This excerpt from *Kennedy* illustrates why our current standards remain appropriate:

*In our understanding, then, contributory negligence and assumption of the risk do not overlap; the key difference is, of course, the exercise of one's free will in encountering the risk. Negligence analysis, couched in reasonable man hypotheses, has no place in the assumption of the risk framework. When one acts knowingly, it is immaterial whether he acts reasonably. The postulate, then, that assumption of the risk is merely a variant of contributory fault, is not, to our minds, persuasive. Accordingly, it is our determination that § 9-20-4 does not affect the validity of assumption of the risk as a complete bar to recovery.*

For the reasons set forth above, the Federation opposes House Bill 5910, and we urge the Committee not to advance this legislation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Christopher S. Stark", is written over a light blue horizontal line.

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