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Representative Carol McEntee
Chair, House Judiciary Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: H 8047 Assumption of the Risk

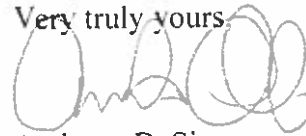
Dear Chairwoman McEntee,

This letter is in support of H 8047, which would add the doctrine of assumption of risk to the current Rhode Island statute on comparative negligence, RIGL § 9-20-4. Currently Rhode Island law requires that if one "assumes the risk" of a particular harm, they are completely barred from legal recovery if they are injured in an activity involving that harm. This is an old and antiquated doctrine. Most states around the country adhere to the rule that if one assumes the risk of a particular harm, that assumption of risk is dealt with under the principles of "comparative negligence" as provided for here in Rhode Island under § 9-20-4.

In Rhode Island, if someone is found to be comparatively at fault for an accident, meaning they are also partly to blame for the injury, the law requires that any recovery be reduced by the percentage of fault of the injured party. Recently, the Rhode Island General Assembly enacted a very similar statute for defects that were "open and obvious". Defects that were "open and obvious" were, until two years ago, a complete bar to recovery if someone was injured by that defect. Now the law requires an analysis under the rules of comparative negligence. Likewise, the fairer way to deal with cases involving assumption of the risk is to treat it on a comparative negligence basis, and not as an absolute bar to recovery.

On behalf of the Rhode Island Association for Justice, I respectfully request that H 8047 be passed by the House Judiciary Committee.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Anthony DeSisto', written in a cursive style.

Anthony DeSisto