



422372

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/07/2011	.	
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The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 72 - 77
and insert:

(b) In a products liability action alleging that injuries received by a claimant in an accident were greater than the injuries the claimant would have received but for a defective product, the trier of fact shall consider the fault of all persons who contributed to the accident when apportioning fault between or among them for the injuries that would have occurred but for the defective product. With respect to apportioning fault for the injuries that occurred solely as a result of the



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13 defective product, the trier of fact shall consider the fault of
14 those persons who were responsible for the defective product and
15 in addition the fault of any plaintiff who contributed to the
16 accident and who at the time of the injury was under the
17 influence of any alcoholic beverage or drug as defined in s.
18 768.36 to the extent that the plaintiff's normal faculties were
19 impaired or who had a blood or breath alcohol level of 0.08
20 percent or higher. However, if the trier of fact finds that as a
21 result of the influence of such alcoholic beverage or drug the
22 plaintiff was more than 50 percent at fault for his or her own
23 harm, the plaintiff may not recover any damages.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete lines 4 - 15

28 and insert:

29 "product liability action"; specifying how the trier of
30 fact is to apportion damages in products liability actions where
31 an enhanced injury is alleged; providing an exception if a
32 plaintiff is impaired by alcohol or drugs; barring recovery by
33 an impaired plaintiff who is more than 50 percent at fault for
34 his or her own harm; providing an effective date.