

HB 143 – AS AMENDED BY THE SENATE

06/07/07 2086s

2007 SESSION

07-0636

06/09

HOUSE BILL 143

AN ACT relative to the apportionment of damages in civil actions.

SPONSORS: Rep. Lasky, Hills 26; Rep. Mooney, Hills 19; Rep. Powers, Rock 16;
Sen. Gottesman, Dist 12; Sen. Clegg, Dist 14

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill defines “party” for the purpose of apportionment of damages in civil actions.

This bill also establishes that no fault shall be apportioned to a party unless that party’s fault was a substantial factor in bringing about the plaintiff’s harm and the plaintiff’s harm would not have occurred but for that party’s fault.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT relative to the apportionment of damages in civil actions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Apportionment of Damages. Amend RSA 507:7-e by inserting after paragraph IV the following new paragraph:

V. For purposes of this section, the term “party” or “parties” shall mean only those individuals or entities who are plaintiffs or defendants in the lawsuit when the jury or the court is determining the proper apportionment of fault. Any individual or entity who was a plaintiff or defendant, but who has settled or been dismissed prior to the apportionment of fault, shall not be considered a “party.”

2 Apportionment of Damages. Amend RSA 507:7-e, I(a) to read as follows:

(a) Instruct the jury to determine, or if there is no jury shall find, the amount of damages to be awarded to each claimant and against each defendant in accordance with the proportionate fault of each of the parties; ~~[and]~~ ***provided, however, that no fault shall be apportioned to a party unless that party’s fault was a substantial factor in bringing about the plaintiff’s harm and the plaintiff’s harm would not have occurred but for that party’s fault.***

3 Effective Date. This act shall take effect January 1, 2008.