

No. 152

AN ACT

SB 1237

Establishing the doctrine of comparative negligence in actions for damages for injuries due to negligence, and providing for recovery against and contribution among joint defendants.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Comparative Negligence.—In all actions brought to recover damages for negligence resulting in death or injury to person or property, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or his legal representative where such negligence was not greater than the causal negligence of the defendant or defendants against whom recovery is sought, but any damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff.

Section 2. Recovery Against Joint Defendant; Contribution.—Where recovery is allowed against more than one defendant, each defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

The plaintiff may recover the full amount of the allowed recovery from any defendant against whom such plaintiff is not barred from recovery. Any defendant who is so compelled to pay more than his percentage share may seek contribution.

Section 3. Effective Date.—This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP