

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2011 Session of
1987

INTRODUCED BY COHEN, NOVEMBER 24, 1987

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 24, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for loss of
3 consortium.

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

6 Section 1. Section 7102 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7102. Comparative negligence.

9 (a) General rule.--In all actions brought to recover damages
10 for negligence resulting in death or injury to person or
11 property, the fact that the plaintiff may have been guilty of
12 contributory negligence shall not bar a recovery by the
13 plaintiff or his legal representative where such negligence was
14 not greater than the causal negligence of the defendant or
15 defendants against whom recovery is sought, but any damages
16 sustained by the plaintiff shall be diminished in proportion to
17 the amount of negligence attributed to the plaintiff.

18 (b) Recovery against joint defendant; contribution.--Where

1 recovery is allowed against more than one defendant, each
2 defendant shall be liable for that proportion of the total
3 dollar amount awarded as damages in the ratio of the amount of
4 his causal negligence to the amount of causal negligence
5 attributed to all defendants against whom recovery is allowed.
6 The plaintiff may recover the full amount of the allowed
7 recovery from any defendant against whom the plaintiff is not
8 barred from recovery. Any defendant who is so compelled to pay
9 more than his percentage share may seek contribution.

10 (c) Loss of consortium.--A plaintiff who is an unwilling
11 victim of an act of negligence which results in the death or
12 injury of the plaintiff's spouse or child may bring a separate
13 and independent action against a defendant for loss of
14 consortium regarding the spouse or child.

15 [(c)] (d) Downhill skiing.--

16 (1) The General Assembly finds that the sport of
17 downhill skiing is practiced by a large number of citizens of
18 this Commonwealth and also attracts to this Commonwealth
19 large numbers of nonresidents significantly contributing to
20 the economy of this Commonwealth. It is recognized that as in
21 some other sports, there are inherent risks in the sport of
22 downhill skiing.

23 (2) The doctrine of voluntary assumption of risk as it
24 applies to downhill skiing injuries and damages is not
25 modified by subsections (a) and (b).

26 [(d)] (e) Definitions.--As used in this section, the
27 following words and phrases shall have the meanings given to
28 them in this subsection:

29 "Defendant or defendants against whom recovery is sought."
30 Includes impleaded defendants.

- 1 "Plaintiff." Includes counterclaimants and cross-claimants.
- 2 Section 2. This act shall take effect in 60 days.