



March 12, 2024

Honorable Robert Craven, Sr.
Chairman, House Judiciary
Rhode Island State House
Providence, RI 02903

RE: Testimony on H.7528, An Act Relating to Courts and Civil Procedure – Procedure Generally – Decisions, Special Findings and Assessment of Damages

Chairman Craven and Committee Members,

The undersigned members of the Rhode Island Business Coalition oppose the passage of H.7528, An Act Relating to Courts and Civil Procedure – Procedure Generally – Decisions, Special Findings and Assessment of Damages.

H.7528 changes Rhode Island law by explicitly declaring that an injured person who is deemed to have assumed the risk by voluntarily participating in an activity known to potentially cause harm is not barred from recovery. This could go as far as allowing an individual to sue a baseball team when a batter hits a ball that collides with a spectator; or an individual goes swimming in the ocean where sign postings say “danger, no life guard on duty.”

Businesses consider many factors when deciding where to locate – taxes, regulation, employee availability and overall costs of doing business. Litigation is one of those factors. A 2019 Study by the United State Chamber of Commerce Institute for Legal Reform lists Rhode Island as 24th in Overall Treatment of State Liability Systems.¹ The states with the worst rankings (Alabama New Jersey Missouri West Virginia Florida Mississippi California Louisiana Illinois) all have one thing in common – high negative rankings in the categories of damages and overall treatment of tort and contract litigation.

Rhode Island should not follow the lead of those states. The Coalition asks the committee to take no action on H.7528. Thank you for your consideration of our concerns.

¹ 2019 Lawsuit Climate Survey, Ranking the States https://instituteforlegalreform.com/wp-content/uploads/2020/10/2019_Lawsuit_Climate_Survey_-_Ranking_the_States.pdf

Sincerely,

East Greenwich Chamber of Commerce

Energy Marketers Association Rhode Island

National Federation of Independent Business

Rhode Island Business Group on Health

Rhode Island Hospitality Association

Rhode Island Manufacturers Association

Rhode Island Marine Trades Association

Rhode Island Mortgage Bankers Association

Rhode Island Small Business Economic Summit Regulations Committee

Rhode Island Small Business Economic Summit Tax and Budget Committee

Rhode Island Society of Certified Public Accountants

Rhode Island Staffing Association

Sustainable Benefits Strategies, LLC