

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board
--in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → Model Legislation → Civil Justice

Assumption of Risk Act

Summary

In recent years, courts in some states have held that when the legislature adopted a comparative fault statute, which bases the award to the plaintiff on the defendant's percentage of responsibility for the injury to plaintiff, the legislature abolished the defense of assumption of the risk. About half of the states do not recognize assumption of the risk as a defense to liability. As part of the civil justice reform effort, however, legislators in some states have introduced bills to affirm that assumption of the risk remains a defense to liability. Because courts in some states have abolished the defense while interpreting the state's comparative fault statute, legislators in states with a comparative fault statute should seek to amend that statute to incorporate this assumption of the risk provision.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This act shall be known and may be cited as the Assumption of the Risk Act.

Section 2. In any tort action, a defendant shall not be liable if the injured person assumed the risk of injury or harm to property. Assumption of the risk shall mean that the injured:

- (1) knew of and appreciated the risk; and
- (2) voluntarily exposed himself or herself to the danger that proximately caused the injury or damage.

Section 3. The elements of assumption of the risk may be inferred, as a matter of either fact or law, from circumstantial evidence that the injured person must have known and appreciated the risk and voluntarily encountered it.

Section 4. {Severability clause.}

Section 5. {Repealer clause.}

Section 6. {Effective date.}

ALEC's Sourcebook of American State Legislation 1995

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary

This bill invokes an arcane legal standard that applies to tort (personal injury) lawsuits. It gives a defendant immunity from liability when a plaintiff has voluntarily exposed him or herself to a known risk. For example, a person injured on a roller coaster may bring a lawsuit against the amusement park for negligence, and the amusement park could invoke the "assumption of risk" doctrine, alleging that the individual knew that riding on a rollercoaster was inherently dangerous, and therefore the amusement park should not be liable because the individual voluntarily assumed the risk when it got on the ride. If the bill was codified into law, corporations could expand the doctrine into a variety of settings, especially by including "assumption of risk" language in contracts.

Did you know that Victor Schwartz--a lawyer who represents companies in product litigation--was the corporate co-chair in 2011?

From CMD: This can be used to bar liability for injuries by a negligent company.