

SENATE BILL REPORT

SB 6784

As of January 31, 2000

Title: An act relating to product liability for use of lawful products.

Brief Description: Limiting product liability for use of lawful products.

Sponsors: Senators Hargrove, T. Sheldon, Hochstatter, Roach, Sheahan and Oke.

Brief History:

Committee Activity: Judiciary: 2/3/2000.

SENATE COMMITTEE ON JUDICIARY

Staff: Dick Armstrong (786-7460)

Background: Under the product liability statutes, the manufacturer of a product is subject to liability for the harm caused to a person if the harm was proximately caused by the negligence of the manufacturer because the product was not reasonably safe as designed or not reasonably safe because adequate warnings or instructions were not provided.

A product is not reasonably safe as designed if the likelihood of the harm, and the seriousness of the harm, is outweighed by the burden on the manufacturer to design an alternative product to prevent the harm.

A product manufacturer is subject to strict liability if the product is not reasonably safe because of its construction or a breach of warranty.

In general, sellers of a product are liable for their own negligence, a breach of an expressed warranty by the seller, or for intentional misrepresentation.

Evidence of industry custom, technological feasibility, and nongovernmental product standards can be considered by the trier of fact in determining liability.

Summary of Substitute Bill: A manufacturer, distributor, or seller of any product is not liable for damages caused by the product if the product is a lawful product, the product is used as intended, and is not inherently unsafe. A product is not inherently unsafe if it does not cause unlawful injury, disease, or death when used in a lawful manner intended by the manufacturer, distributor or seller.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.