

HOUSE BILL NO. HB0118

Loss of chance doctrine abrogated.

Sponsored by: Representative(s) Hallinan, Cohee,
Dockstader, Edmonds, Iekel, Jorgensen,
Lubnau, McOmie, Miller, Millin and Stubson
and Senator(s) Hines, Landen and Perkins

A BILL

for

1 AN ACT relating to civil actions; abrogating the common law
2 doctrine of "loss of chance" as specified; providing
3 legislative findings; specifying applicability; and
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 1-12-602 is created to read:

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10 **1-12-602. Loss of chance doctrine abrogated;**
11 **findings.**

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13 The Wyoming legislature finds that in those actions founded
14 upon an alleged want of ordinary care or skill, the conduct
15 of the responsible party must be shown to have been the

1 proximate cause of the injury upon which the complaint is
2 based. The loss of chance doctrine is hereby abrogated for
3 any person unable to establish a loss of chance of twenty-
4 five percent (25%) or more. In a civil action resulting in
5 a successful loss of chance claim, the damages recoverable
6 by the plaintiff shall equal the total sum of the damages
7 for the underlying injury or death multiplied by the
8 percentage of the chance for successful treatment that was
9 determined to have been lost as a result of the negligence
10 of the defendant.

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12 **Section 2.** This act applies to causes of action for
13 personal injury or death for which a complaint is initially
14 filed on or after the effective date of this act.

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16 **Section 3.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21

(END)