

619.17 Contributory fault — burden.

A plaintiff does not have the burden of pleading and proving the plaintiff's freedom from contributory fault. If a defendant relies upon contributory fault of a plaintiff to diminish the amount to be awarded as compensatory damages, the defendant has the burden of pleading and proving fault of the plaintiff, if any, and that it was a proximate cause of the injury or damage. As used in this section, "*plaintiff*" includes a defendant filing a counterclaim or cross-petition, and the term "*defendant*" includes a plaintiff against whom a counterclaim or cross-petition has been filed.

[C66, 71, 73, 75, 77, 79, 81, §619.17]

84 Acts, ch 1293, §13

[P] Comparative fault; see chapter 668

[T] Section not amended; editorial change applied