

2012 -- S 2136

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR
ACTIONS - JOINT AND SEVERAL LIABILITY

Introduced By: Senator Marc A. Cote

Date Introduced: January 18, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 10 of the General Laws entitled "PROCEDURE IN PARTICULAR
2 ACTIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 5.1

4 JOINT AND SEVERAL LIABILITY

5 **10-5.1-1. Several liability.** -- In any action for personal injury, property damage or
6 wrongful death, the liability of a defendant for damages shall be several only and shall not be
7 joint where the defendant's act or omission constituted no more than twenty-five percent (25%) of
8 the cause of the damages sustained by the plaintiff. Such defendant shall only be responsible for
9 payment of the amount of damages, plus the interest thereon, allocated to that defendant in direct
10 proportion to that defendant's percentage of culpability, and a separate judgment shall be rendered
11 against the defendant for that amount. To determine the amount of the judgment to be entered
12 against such defendant, the court shall multiply the total amount of damages sustained by the
13 plaintiff, prior to any reduction for comparative negligence, if any, by the percentage of the
14 defendant's culpability, computed interest thereon, and that amount shall be the maximum
15 recoverable against said defendant.

16 **10-5.1-2. Joint and several liability.** -- Except as provided in section 10-5.1-1 the
17 liability of a defendant shall be joint and several as heretofore provided by law. Any person held
18 jointly liable under this section shall have a right of contribution in accordance with chapter 10-6

1 [of the general laws.](#)

2 SECTION 2. This act shall take effect upon passage and shall apply to all civil actions
3 filed after passage of this act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR
ACTIONS - JOINT AND SEVERAL LIABILITY

1 This act would limit liability of a tortfeasor for damages to several only and not joint if it
2 is found that the defendant's act or omission constituted no more than twenty-five percent (25%)
3 of the damages sustained by the plaintiff.

4 This act would take effect upon passage and would apply to all civil actions filed after
5 passage of this act.

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