

2015 -- S 0595

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR
ACTIONS - CONTRIBUTION AMONG JOINT TORTFEASORS

Introduced By: Senators McCaffrey, Lynch, Lombardi, and Conley

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 10-6-7 and 10-6-8 of the General Laws in Chapter 10-6 entitled
2 "Contribution Among Joint Tortfeasors" are hereby amended to read as follows:

3 **10-6-7. Effect of release of one tortfeasor on liability of others. --** A release by the
4 injured person of one joint tortfeasor, whether before or after judgment, does not discharge the
5 other tortfeasors unless the release so provides; but reduces the claim against the other tortfeasors
6 in the amount of the consideration paid for the release, ~~or in any amount or proportion by which~~
7 ~~the release provides that the total claim shall be reduced, if greater than the consideration paid.~~

8 ~~However, in circumstances where there are twenty five (25) or more deaths from a~~
9 ~~single occurrence, then a release by the injured person of one joint tortfeasor given as part of a~~
10 ~~judicially approved good faith settlement, whether before or after judgment, does not discharge~~
11 ~~the other tortfeasors unless the release so provides but reduces the claim against the other~~
12 ~~tortfeasors in the amount of the consideration paid for the release.~~

13 **10-6-8. Liability to contribution of tortfeasor released by injured person. --** A release
14 by the injured person of one joint tortfeasor as part of a good-faith settlement does not relieve him
15 or her from liability to make contribution or equitable indemnity to another joint tortfeasor unless
16 the release is given before the right of the other tortfeasor to secure a money judgment for
17 contribution has accrued, and provides for a reduction, ~~to the extent of the pro rata share of the~~
18 ~~released tortfeasor,~~ of the injured person's damages recoverable against all the other tortfeasors by

1 the amount paid for the release.

2 ~~However, in circumstances where there are twenty five (25) or more deaths from a~~
3 ~~single occurrence, a release by the injured person of one joint tortfeasor given as part of a~~
4 ~~judicially approved good faith settlement does not relieve him or her from liability to make~~
5 ~~contribution to another joint tortfeasor unless the release is given before the right of the other~~
6 ~~tortfeasor to secure a money judgment for contribution has accrued, and provides for a reduction~~
7 ~~to the extent of the amount of the consideration paid for the release.~~

8 For purposes of this section, a good-faith settlement is one that does not exhibit collusion,
9 fraud, dishonesty, or other tortious conduct intended to prejudice the non-settling tortfeasor(s),
10 irrespective of the settling or non-settling tortfeasors' proportionate share of liability.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide for straight dollar-for-dollar setoff regarding tort settlements
2 involving multiple defendants and provides for straight setoff of the amount paid by a settling
3 tortfeasor from the amount recoverable against other tortfeasors.

4 This act would take effect upon passage.

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