

2016 -- S 2408

LC004460

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Senators Cote, and Lombardo

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

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

CHAPTER 6.1

JOINT AND SEVERAL LIABILITY

10-6.1-1. Several liability. -- In any action for personal injury, property damage or
wrongful death, the liability of a defendant for damages shall be several only and shall not be
joint where the defendant's act or omission constituted no more than twenty-five percent (25%) of
the cause of the damages sustained by the plaintiff. The defendant shall only be responsible for
payment of the amount of damages, plus the interest thereon, allocated to that defendant in direct
proportion to that defendant's percentage of culpability, and a separate judgment shall be rendered
against the defendant for that amount. To determine the amount of the judgment to be entered
against such defendant, the court shall multiply the total amount of damages sustained by the
plaintiff, prior to any reduction for comparative negligence, if any, by the percentage of the
defendant's culpability, computed interest thereon, and that amount shall be the maximum
recoverable against said defendant.

10-6.1-2. Joint and several liability. -- Except as provided in § 10-6.1-1 the liability of a
defendant shall be joint and several as heretofore provided by law. Any person held jointly liable

1 [under this section shall have a right of contribution in accordance with the provisions of chapter 6](#)
2 [of title 10.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR
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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 on or
5 after the effective date of this act.

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