

2019 -- H 5475

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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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: Representatives Shekarchi, McEntee, Craven, Millea, and Jackson

Date Introduced: February 14, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 10-6 of the General Laws entitled "Contribution Among Joint
2 Tortfeasors" is hereby amended by adding thereto the following section:

3 **10-6-12. Court-approved settlements.**

4 The following provisions apply solely and exclusively to judicially approved good faith
5 settlements of claims relating to the Feld Entertainment/Ringling Brothers Circus incident on
6 May 4, 2014.

7 (1) A release by a claimant of one joint tortfeasor, whether before or after judgment does
8 not discharge the other joint tortfeasors unless the release so provides, but such release shall
9 reduce the claim against the other joint tortfeasors in the amount of the consideration paid for the
10 release.

11 (b) A release by a claimant of one joint tortfeasor relieves them from liability to make
12 contribution to another tortfeasor.

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

17 SECTION 2. This act shall take effect upon passage and shall apply to all claims pending
18 at the time of passage or asserted thereafter; provided, however, that this act shall not apply to,

1 affect, or impair, releases executed before the date of passage.

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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 provide that in connection with judicially approved good faith settlements
2 of claims relating to the Feld Entertainment/Ringling Brothers Circus incident on May 4, 2014, a
3 release by a claimant of one joint tortfeasor shall not discharge other joint tortfeasors unless the
4 release so provides, but shall reduce the claim against the other joint tortfeasors in the amount of
5 the consideration paid.

6 This act would take effect upon passage and would apply to all claims pending at the time
7 of passage or asserted thereafter; provided, however, that this act would not apply to, affect, or
8 impair, releases executed before the date of passage.

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