

2019 -- S 0494 SUBSTITUTE A

LC001648/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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

Introduced By: Senators Lynch Prata, McKenney, McCaffrey, Archambault, and Euer

Date Introduced: February 27, 2019

Referred To: Senate 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 accident on
6 May 4, 2014.

7 (a) 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 a
12 contribution to another joint tortfeasor.

13 (c) 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 passage date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that a release by one claimant relative to the claims relating to
2 Feld Entertainment/Ringling Brothers Circus accident, occurring on May 4, 2014, would not
3 discharge other joint tortfeasors, unless specifically agreed to within that release, but would
4 reduce the claim against the other joint tortfeasors in the amount paid in the release.

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

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