

2020 -- S 2554

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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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 Mark P. McKenney

Date Introduced: February 25, 2020

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 6.1

4 JOINT AND SEVERAL LIABILITY

5 **10-6.1-1. Several liability.**

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

16 **10-6.1-2. Joint and several liability.**

17 Except as provided in § 10-6.1-1, the liability of a defendant shall be joint and several as
18 heretofore provided by law. Any person held jointly liable under this section shall have a right of

1 [contribution in accordance with chapter 6 of title 10.](#)

2 SECTION 2. This act shall take effect upon passage and shall apply to all civil actions filed
3 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 caused no more than twenty-five percent (25%) of the
3 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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