

1 5304-S2 AMS MCDO S2367.1

2 2SSB 5304 - S AMD 000137

3 By Senator McDonald

4 NOT ADOPTED 3/12/93 - ROLL CALL 22-25

5 On page 92, after line 34, insert the following:

6 "NEW SECTION. **Sec. 317.** A new section is added to chapter 7.70
7 RCW to read as follows:

8 JOINT AND SEVERAL LIABILITY RESTRICTIONS. (1) For the purposes of
9 this section, the term "economic damages" means objectively verifiable
10 monetary losses, including medical expenses, loss of earnings, burial
11 costs, cost of obtaining substitute domestic services, loss of
12 employment, and loss of business or employment opportunities.
13 "Economic damages" does not include subjective, nonmonetary losses such
14 as pain and suffering, mental anguish, emotional distress, disability
15 and disfigurement, inconvenience, injury to reputation, humiliation,
16 destruction of the parent-child relationship, the nature and extent of
17 an injury, loss of consortium, society, companionship, support, love,
18 affection, care, services, guidance, training, instruction, and
19 protection.

20 (2) In all actions involving fault of more than one entity, the
21 trier of fact shall determine the percentage of the total fault which
22 is attributable to every entity which caused the claimant's injuries,
23 including the claimant or person suffering personal injury, defendants,
24 third-party defendants, entities released by the claimant, entities
25 immune from liability to the claimant, and entities with any other
26 individual defense against the claimant. Judgment shall be entered
27 against each defendant except those who have been released by the
28 claimant or are immune from liability to the claimant or have prevailed
29 on any other individual defense against the claimant in an amount that
30 represents that party's proportionate share of the claimant's total
31 damages. The liability of each defendant shall be several only and
32 shall not be joint except:

33 (a) A party shall be responsible for the fault of another person or
34 for payment of the proportionate share of another party where both were
35 acting in concert or when a person was acting as an agent or servant of
36 the party.

1 (b) If the trier of fact determines that the claimant or party
2 suffering bodily injury was not at fault, the defendants against whom
3 judgment is entered shall be jointly and severally liable for the sum
4 of their proportionate shares of the claimant's economic damages.

5 (3) If a defendant is jointly and severally liable under one of the
6 exceptions listed in subsection (2)(a) or (b) of this section, such
7 defendant's rights to contribution against another jointly and
8 severally liable defendant, and the effect of settlement by either such
9 defendant, shall be determined under RCW 4.22.040, 4.22.050, and
10 4.22.060."

11 Renumber the remaining sections consecutively and correct any
12 internal references accordingly.

13 **2SSB 5304** - S AMD
14 By Senator McDonald

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16 On page 1, line 19 of the title, after "48.22 RCW;" insert "adding
17 a new section to chapter 7.70 RCW;"

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