

2992

Sponsor(s): Representatives Newhouse, Carrell and McMahan

Brief Description: Revising joint and several liability provisions.

HB 2992 - DIGEST

Declares an intent to enact reforms that create a more equitable distribution of liability based upon one's proportionate share of fault.

Finds, notwithstanding the tort reform measures it has enacted in the past, that in many instances defendants continue to pay more than their proportionate share of a claimant's total damages. The legislature in the 1986 tort reform act adopted as the policy of this state that several, or proportionate, liability is the general rule, subject to certain limited exceptions.

Declares that this policy has been consistently recognized by the Washington state supreme court and most recently in *Tegman v. Accident & Medical Investigations*, 75 P.3d 497 (2003) when the court correctly stated "As we have consistently recognized, RCW 4.22.070 provides that several, or proportionate, liability is now intended to be the general rule." *Tegman*, 75 P.3d 499 (2003).

Declares an intent to limit further the exceptions to the general rule of several or proportionate liability.