

6520

Sponsor(s): Senators Brandland, T. Sheldon and McCaslin

Brief Description: Providing for omnibus civil liability reform.

SB 6520 - DIGEST

Finds that counties, cities, other governmental entities, professionals, health care providers, businesses, individuals, and nonprofit organizations are finding it increasingly difficult to find affordable liability insurance. One of the drivers increasing the cost of liability insurance is the potential liability beyond one's proportionate share of fault that a defendant must be insured against.

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.

Finds 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.