

2ESSB 6508 - H AMD TO WAYS COMM AMD (H-5513.1/10) **1474**

By Representative Ross

NOT ADOPTED 3/04/2010

1 On page 2, after line 2 of the striking amendment, insert the
2 following:

3 "(3) In an action under RCW 4.20.010 against the state or a
4 political subdivision of the state that is based on a parent's
5 significant involvement in an adult child's life, the liability of the
6 state or political subdivision is several and not joint."

7
8 On page 2, after line 36 of the striking amendment, insert the
9 following:

10 "(5) In an action under this section against the state or a
11 political subdivision of the state that is based on a parent's
12 significant involvement in a child's life, the liability of the state
13 or political subdivision is several and not joint."

14
15 On page 4, line 8 of the striking amendment, after "death" insert
16 "."

17 (5) In an action under this section against the state or a
18 political subdivision of the state that is based on a parent's
19 significant involvement in a child's life, the liability of the state
20 or political subdivision is several and not joint"

21
22 On page 5, after line 12 of the striking amendment, insert the
23 following:

24 "(6) In an action under this section against the state or a
25 political subdivision of the state that is based on a parent's
26 significant involvement in a child's life, the liability of the state
27 or political subdivision is several and not joint.

1

2 **Sec. 5.** RCW 4.22.070 and 1993 c 496 s 1 are each amended to read
3 as follows:

4 (1) In all actions involving fault of more than one entity, the
5 trier of fact shall determine the percentage of the total fault which
6 is attributable to every entity which caused the claimant's damages
7 except entities immune from liability to the claimant under Title 51
8 RCW. The sum of the percentages of the total fault attributed to at-
9 fault entities shall equal one hundred percent. The entities whose
10 fault shall be determined include the claimant or person suffering
11 personal injury or incurring property damage, defendants, third-party
12 defendants, entities released by the claimant, entities with any other
13 individual defense against the claimant, and entities immune from
14 liability to the claimant, but shall not include those entities immune
15 from liability to the claimant under Title 51 RCW. Judgment shall be
16 entered against each defendant except those who have been released by
17 the claimant or are immune from liability to the claimant or have
18 prevailed on any other individual defense against the claimant in an
19 amount which represents that party's proportionate share of the
20 claimant's total damages. The liability of each defendant shall be
21 several only and shall not be joint except in the following
22 circumstances:

23 (a) A party shall be responsible for the fault of another person
24 or for payment of the proportionate share of another party where both
25 were acting in concert or when a person was acting as an agent or
26 servant of the party.

27 (b) If the trier of fact determines that the claimant or party
28 suffering bodily injury or incurring property damages was not at
29 fault, the defendants against whom judgment is entered shall be
30 jointly and severally liable for the sum of their proportionate shares
31 of the ~~((claimants))~~ claimant's total damages, except as otherwise
32 provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

33 (2) If a defendant is jointly and severally liable under one of
34 the exceptions listed in subsections (1)(a) or (1)(b) of this section,

1 such defendant's rights to contribution against another jointly and
2 severally liable defendant, and the effect of settlement by either
3 such defendant, shall be determined under RCW 4.22.040, 4.22.050, and
4 4.22.060.

5 (3)(a) Nothing in this section affects any cause of action
6 relating to hazardous wastes or substances or solid waste disposal
7 sites.

8 (b) Nothing in this section shall affect a cause of action arising
9 from the tortious interference with contracts or business relations.

10 (c) Nothing in this section shall affect any cause of action
11 arising from the manufacture or marketing of a fungible product in a
12 generic form which contains no clearly identifiable shape, color, or
13 marking."

14

15 Renumber the remaining sections consecutively and correct internal
16 references accordingly.

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EFFECT: Provides that joint and several liability does not apply
to the state and its political subdivisions in actions under the
wrongful death and survival statutes that are based on a parent's
significant involvement in a child's life.

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