

SSB 5163 - H AMD 683

By Representative Springer

NOT ADOPTED 04/15/2019

1 On page 2, at the beginning of line 1, insert "(1)"

2

3 On page 2, after line 9, insert the following:

4 "(2) In an action under RCW 4.20.010, a defendant's liability
5 for damages recovered on behalf of a deceased person's parent or
6 sibling, who is not dependent upon the deceased person for support,
7 is several only and not joint under RCW 4.22.070(1)(a) or (b) if:
8 (a) the total percentage of fault attributed to the defendant is
9 less than fifty percent; and (b) the defendant's liability is not
10 based on an intentional act or omission.

11 (3)"

12

13 On page 2, line 30, after "(3)" insert "A defendant's liability
14 for damages recovered on behalf of a decedent's parent or sibling,
15 who is not dependent upon the decedent for support, is several only
16 and not joint under RCW 4.22.070(1)(a) or (b) if: (a) the total
17 percentage of fault attributed to the defendant is less than fifty
18 percent; and (b) the defendant's liability is not based on an
19 intentional act or omission.

20 (4)"

21

22 Renumber the remaining subsection consecutively and correct
23 internal references accordingly.

24

25 On page 3, after line 36, insert the following:

26 "(4) A defendant's liability for damages recovered on behalf of
27 a decedent's parent or sibling, who is not dependent upon the

1 decendent for support, is several only and not joint under RCW
2 4.22.070(1)(a) or (b) if: (a) the total percentage of fault
3 attributed to the defendant is less than fifty percent; and (b) the
4 defendant's liability is not based on an intentional act or omission."

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6 On page 4, line 22, after "(3)" insert "In an action under this
7 section for injury or death of an adult child, if the parent or
8 legal guardian is not dependent upon the adult child for support, a
9 defendant's liability is several only and not joint under RCW
10 4.22.070(1)(a) or (b) if: (a) the total percentage of fault
11 attributed to the defendant is less than fifty percent; and (b) the
12 defendant's liability is not based on an intentional act or omission.
13 (4)"

14
15 Renumber the remaining subsections consecutively and correct
16 internal references accordingly.

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18 On page 5, after line 9, insert the following:

19 "**Sec. 6.** RCW 4.22.070 and 1993 c 496 s 1 are each amended to
20 read as follows:

21 (1) In all actions involving fault of more than one entity, the
22 trier of fact shall determine the percentage of the total fault
23 which is attributable to every entity which caused the claimant's
24 damages except entities immune from liability to the claimant under
25 Title 51 RCW. The sum of the percentages of the total fault
26 attributed to at-fault entities shall equal one hundred percent. The
27 entities whose fault shall be determined include the claimant or
28 person suffering personal injury or incurring property damage,
29 defendants, third-party defendants, entities released by the
30 claimant, entities with any other individual defense against the
31 claimant, and entities immune from liability to the claimant, but
32 shall not include those entities immune from liability to the
33 claimant under Title 51 RCW. Judgment shall be entered against each
34 defendant except those who have been released by the claimant or are

1 immune from liability to the claimant or have prevailed on any other
2 individual defense against the claimant in an amount which
3 represents that party's proportionate share of the claimant's total
4 damages. The liability of each defendant shall be several only and
5 shall not be joint except in the following circumstances:

6 (a) A party shall be responsible for the fault of another person
7 or for payment of the proportionate share of another party where
8 both were acting in concert or when a person was acting as an agent
9 or servant of the party, except as otherwise provided in RCW
10 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

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

17 (2) If a defendant is jointly and severally liable under one of
18 the exceptions listed in subsections (1)(a) or (1)(b) of this
19 section, such defendant's rights to contribution against another
20 jointly and severally liable defendant, and the effect of settlement
21 by either such defendant, shall be determined under RCW 4.22.040,
22 4.22.050, and 4.22.060.

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

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

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

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1 Renumber the remaining section consecutively and correct the
2 title.
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EFFECT: Provides that under a general wrongful death action or a general or special survival action, a defendant's liability for damages recovered on behalf of a decedent's parent or sibling who is not dependent on the decedent for support is several only, and not joint, if: (a) the total percentage of fault attributed to the defendant is less than 50 percent; and (b) the defendant's liability is not based on an intentional act or omission.

Provides that in an action for wrongful injury or death of an adult child where the parent is not dependent on the child for support, a defendant's liability is several only, and not joint, if: (a) the total percentage of fault attributed to the defendant is less than 50 percent; and (b) the defendant's liability is not based on an intentional act or omission.

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