
SENATE BILL 5361

State of Washington

53rd Legislature

1993 Regular Session

By Senators A. Smith and Niemi

Read first time 01/25/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to the civil liability of joint tortfeasors; and
2 amending RCW 4.22.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.22.070 and 1986 c 305 s 401 are each amended to read
5 as follows:

6 (1) In all actions involving fault of more than one entity, the
7 trier of fact shall determine the percentage of the total fault which
8 is attributable to every entity which caused the claimant's damages,
9 including the claimant or person suffering personal injury or incurring
10 property damage, defendants, third-party defendants, entities released
11 by the claimant, entities immune from liability to the claimant and
12 entities with any other individual defense against the claimant.
13 Judgment shall be entered against each defendant except those who have
14 been released by the claimant or are immune from liability to the
15 claimant or have prevailed on any other individual defense against the
16 claimant in an amount which represents that party's proportionate share
17 of the claimant's total damages. The total damages shall first be
18 reduced by any amount paid to the claimant by a released entity. The

1 liability of each defendant shall be several only and shall not be
2 joint except:

3 (a) A party shall be responsible for the fault of another person or
4 for payment of the proportionate share of another party where both were
5 acting in concert or when a person was acting as an agent or servant of
6 the party.

7 (b) If the trier of fact determines that the claimant or party
8 suffering bodily injury or incurring property damages was not at fault,
9 the defendants against whom judgment is entered shall be jointly and
10 severally liable for the sum of their proportionate shares of the
11 claimants total damages.

12 (c) A defendant shall be responsible to the claimant for any fault
13 of an entity released by the claimant, provided that the total damages
14 shall first be reduced by any amount paid to the claimant by a released
15 entity.

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

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

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

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

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