

HB 2242 -- JOINT AND SEVERAL LIABILITY

SPONSOR: Trent

Currently, in all tort actions when a defendant is found to bear 51% or more of the fault, the defendant is jointly and severally liable for the judgment amount. This bill states that the liability of each defendant for damages shall not be joint. Each defendant is liable only for the amount of damages in direct proportion to the defendant's percentage of fault.

The trier of fact shall consider the fault of all persons who contributed to the plaintiff's injury regardless of whether the person is a party to the suit.

Fault of a non-party may be considered if the plaintiff entered into a settlement with the non-party or if the defendant gives notice before trial that a non-party was at fault. Findings of fact regarding the fault of a non-party shall not subject the non-party to liability or be introduced as evidence of liability in any action.

This bill is similar to SB 845 (2020).