

HB 1298 -- Tort Actions for Damages

Sponsor: Franz

This bill changes the determination of a defendant's liability in a tort action for damages by specifying that the liability of each defendant for compensatory or punitive damages must be several and cannot be joint. Each defendant must be only liable for the amount of damages allocated to that defendant in direct proportion to his or her percentage of fault. A separate several judgment must be rendered against that defendant for that amount.

The court must multiply the total amount of damages recoverable by the plaintiff with regard to each defendant by the percentage of each defendant's fault to determine the maximum recoverable amount of judgment to be entered against each defendant. The court or jury must also consider the fault of all persons or entities who contributed to the alleged injury or damages, regardless of whether the person or entity was, or could have been, named as a party to the suit. Negligence or fault of a nonparty may be considered if the plaintiff entered into a settlement agreement with the nonparty or if the defending party gives notice before trial, in accordance with required court rules, that a nonparty was wholly or partially at fault.