

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Pryor**

# A Bill

**ACT 759 OF 1993**  
**HOUSE BILL 1335**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 16-61-207(1)  
9 MAKING IT PERMISSIVE REGARDING A PLAINTIFF AMENDING HIS  
10 PLEADINGS AGAINST THIRD PARTY DEFENDANTS TO MAKE IT  
11 CONSISTENT WITH ARKANSAS RULES OF CIVIL PROCEDURE 14(a);  
12 AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT MAKING IT PERMISSIVE REGARDING A PLAINTIFF  
15 AMENDING HIS PLEADINGS AGAINST THIRD PARTY DEFENDANTS."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Annotated 16-61-207(1) is amended to read as  
21 follows:

22 "(1) Before answering, a defendant seeking contribution in a tort  
23 action may move ex parte or, after answering, on notice to the plaintiff, for  
24 leave as a third party plaintiff to serve a summons and complaint upon a  
25 person not a party to the action who is or may be liable as a joint tortfeasor  
26 to him or to the plaintiff for all or part of the plaintiff's claim against  
27 him. If the motion is granted and the summons and complaint are served, the  
28 person so served, hereinafter called the third party defendant, shall make his  
29 defense to the complaint of the plaintiff and to the third party complaint in  
30 the same manner as defenses are made by an original defendant to an original  
31 complaint. The third party defendant may assert any defenses which the third  
32 party plaintiff has to the plaintiff's claim. The plaintiff may amend his  
33 pleadings to assert against the third party defendant any claim which the  
34 plaintiff might have asserted against the third party defendant had he been  
35 joined originally as a defendant. The third party defendant is bound by the  
36 adjudication of the third party plaintiff's liability to the plaintiff as well

1 as of his own liability to the plaintiff and to the third party plaintiff. A  
2 third party defendant may proceed under this section against any person not a  
3 party to the action who is or may be liable as a joint tortfeasor to him or to  
4 the third party plaintiff for all or part of the claim made in the action  
5 against the third party defendant."

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7 SECTION 2. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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APPROVED: 3/26/93

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