

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

A Bill

HOUSE BILL

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

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

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

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

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19 hereby repealed.

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