

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 531

5 By: Senators Irvin, B. Ballinger, Hester, T. Garner  
6 By: Representatives Petty, Crawford, D. Douglas, Eubanks, Rushing  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE UNIFORM CONTRIBUTION AMONG  
10 TORTFEASORS ACT; TO DECLARE AN EMERGENCY; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

15 TO CLARIFY THE UNIFORM CONTRIBUTION AMONG  
16 TORTFEASORS ACT; AND TO DECLARE AN  
17 EMERGENCY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. DO NOT CODIFY. Legislative findings.

23 The General Assembly finds that the rights under § 16-55-201 that “each  
24 defendant shall be liable only for the amount of damages allocated to that  
25 defendant in direct proportion to that defendant’s percentage of fault” exist  
26 whether or not persons or entities whose negligence or fault contributed to  
27 injuries to persons or property are immune from suit or from liability or can  
28 be made a party in any lawsuit alleging such injury.  
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30 SECTION 2. Arkansas Code § 16-61-201 is amended to read as follows:  
31 16-61-201. Definitions.

32 As used in this subchapter:

33 (1) “Joint tortfeasor” means two (2) or more persons or entities  
34 ~~who may have joint liability or several liability in tort for whose~~  
35 negligence or fault may have contributed to the same injury to person or  
36 property, whether or not they are or can be made a party to a suit, whether



1 or not they are immune from suit or from liability, or whether or not  
2 judgment has been recovered against all or some of them; and

3 (2) "Several liability" means that each person or entity is  
4 liable only for the amount of damages allocated to that defendant in direct  
5 proportion to that defendant's percentage of fault after consideration of the  
6 fault of all persons or entities whose negligence or fault contributed to the  
7 alleged injury or death, or damage to property, regardless of whether the  
8 person or entity was or could have been named as a party to the suit or  
9 whether or not they are immune from suit or from liability.

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11 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that some courts in Arkansas have  
13 misinterpreted § 16-61-201, resulting in the abolition of joint liability  
14 under § 16-55-201, which in turn results in the statute being misapplied.  
15 Therefore, an emergency is declared to exist, and this act being immediately  
16 necessary for the preservation of the public peace, health, and safety shall  
17 become effective on:

18 (1) The date of its approval by the Governor;

19 (2) If the bill is neither approved nor vetoed by the Governor,  
20 the expiration of the period of time during which the Governor may veto the  
21 bill; or

22 (3) If the bill is vetoed by the Governor and the veto is  
23 overridden, the date the last house overrides the veto.