

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

As Engrossed: S3/26/19

A Bill

SENATE BILL 543

5 By: Senators Irvin, B. Ballinger, Hester, T. Garner, J. Cooper
6 By: Representatives Petty, Crawford, D. Douglas, Eubanks, Rushing
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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE UNIFORM CONTRIBUTION AMONG
10 TORTFEASORS ACT; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO CLARIFY THE UNIFORM CONTRIBUTION AMONG
15 TORTFEASORS ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. DO NOT CODIFY. Legislative findings.

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

29 16-61-201. Definitions.

30 As used in this subchapter:

31 (1) “Joint tortfeasor” means two (2) or more persons or entities
32 ~~who may have joint liability or several liability in tort for whose~~
33 negligence or fault may have contributed to the same injury to person or
34 property, whether or not they are or can be made a party to a suit, whether
35 or not they are immune from suit or from liability, or whether or not
36 judgment has been recovered against all or some of them; and



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

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10 /s/Irvin
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