

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

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

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

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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.

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