

SSB 5163 - H AMD 511

By Representative Stokesbary

NOT ADOPTED 04/15/2019

1 On page 2, at the beginning of line 1, insert "(1)"

2

3 On page 2, after line 9, insert the following:

4 "(2) In an action under RCW 4.20.010, a defendant's liability for
5 damages recovered on behalf of a deceased person's parent or sibling
6 is several only and not joint under RCW 4.22.070(1)(a) or (b) if the
7 parent or sibling is not dependent upon the deceased person for
8 support.

9 (3)"

10

11 On page 2, line 30, after "(3)" insert "A defendant's liability
12 for damages recovered on behalf of a decedent's parent or sibling is
13 several only and not joint under RCW 4.22.070(1)(a) or (b) if the
14 parent or sibling is not dependent upon the decedent for support.

15 (4)"

16

17 Renumber the remaining subsection consecutively and correct
18 internal references accordingly.

19

20 On page 3, after line 36, insert the following:

21 "(4) A defendant's liability for damages recovered on behalf of
22 a decedent's parent or sibling is several only and not joint under
23 RCW 4.22.070(1)(a) or (b) if the parent or sibling is not dependent
24 upon the decedent for support."

25

26 On page 4, line 22, after "(3)" insert "In an action under this
27 section for injury or death of an adult child, a defendant's

1 liability is several only and not joint under RCW 4.22.070(1)(a) or
2 (b) if the parent or legal guardian is not dependent upon the adult
3 child for support.

4 (4)"

5

6 Renumber the remaining subsections consecutively and correct
7 internal references accordingly.

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9 On page 5, after line 9, insert the following:

10 **"Sec. 6.** RCW 4.22.070 and 1993 c 496 s 1 are each amended to
11 read as follows:

12 (1) In all actions involving fault of more than one entity, the
13 trier of fact shall determine the percentage of the total fault
14 which is attributable to every entity which caused the claimant's
15 damages except entities immune from liability to the claimant under
16 Title 51 RCW. The sum of the percentages of the total fault
17 attributed to at-fault entities shall equal one hundred percent. The
18 entities whose fault shall be determined include the claimant or
19 person suffering personal injury or incurring property damage,
20 defendants, third-party defendants, entities released by the
21 claimant, entities with any other individual defense against the
22 claimant, and entities immune from liability to the claimant, but
23 shall not include those entities immune from liability to the
24 claimant under Title 51 RCW. Judgment shall be entered against each
25 defendant except those who have been released by the claimant or are
26 immune from liability to the claimant or have prevailed on any other
27 individual defense against the claimant in an amount which
28 represents that party's proportionate share of the claimant's total
29 damages. The liability of each defendant shall be several only and
30 shall not be joint except in the following circumstances:

31 (a) A party shall be responsible for the fault of another person
32 or for payment of the proportionate share of another party where
33 both were acting in concert or when a person was acting as an agent

34

1 or servant of the party, except as otherwise provided in RCW
2 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

3 (b) If the trier of fact determines that the claimant or party
4 suffering bodily injury or incurring property damages was not at
5 fault, the defendants against whom judgment is entered shall be
6 jointly and severally liable for the sum of their proportionate
7 shares of the (~~claimants~~) claimant's total damages, except as
8 otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, or 4.24.010.

9 (2) If a defendant is jointly and severally liable under one of
10 the exceptions listed in subsections (1)(a) or (1)(b) of this
11 section, such defendant's rights to contribution against another
12 jointly and severally liable defendant, and the effect of settlement
13 by either such defendant, shall be determined under RCW 4.22.040,
14 4.22.050, and 4.22.060.

15 (3)(a) Nothing in this section affects any cause of action
16 relating to hazardous wastes or substances or solid waste disposal
17 sites.

18 (b) Nothing in this section shall affect a cause of action
19 arising from the tortious interference with contracts or business
20 relations.

21 (c) Nothing in this section shall affect any cause of action
22 arising from the manufacture or marketing of a fungible product in a
23 generic form which contains no clearly identifiable shape, color, or
24 marking."

25
26 Renumber the remaining section consecutively and correct the
27 title.

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EFFECT: Provides that under a general wrongful death action or a general or special survival action, a defendant's liability for damages recovered on behalf of a decedent's parent or sibling is several only, and not joint, if the parent or sibling is not dependent upon the decedent for support. Provides that in an action for wrongful injury or death of an adult child, a defendant's liability is several only, and not joint, if the parent or legal guardian is not dependent on the adult child for support.

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