

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 90

DATE: March 3, 1999

Version: As Introduced

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Subject: Joint and Several Liability

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Overview

Joint and several liability is the tort law concept that, where there are multiple defendants who are all liable, each one is responsible for all the plaintiff's damages if the other defendants cannot pay. This common law principle has been modified in Minnesota Statutes and is further modified by this bill.

- Under current Minnesota Statutes, if a defendant is 15 percent or less at fault, the defendant can be required to pay the portion of plaintiff's damages that is up to four times the defendant's percentage of fault. (Example: Defendant A is 15% at fault; Defendant B is 80% at fault and bankrupt; Defendant A has to pay up to 60% of plaintiff's damages.)

The bill changes this rule in the following way. A defendant 50% or less at fault, will be required to pay a percentage of the plaintiff's award no greater than the defendant's percentage of the total fault. (Reworking the first example: Defendant A is 15% at fault; Defendant B is 80% at fault and bankrupt; Defendant A pays 15% of plaintiff's damages.)

The bill also strikes the current separate rule for state and local government defendants. In current law, if these defendants are less than 35% at fault, they would have to pay a part of the plaintiff's damages not greater than twice their percentage of fault. (Following the first example above again: Under current law, City A is 15% at fault; Private Citizen Defendant B is 80% at fault and bankrupt; City pays not more than 30% of plaintiff's damages.) By striking the separate joint and several liability rule for government defendants, the bill has the effect of treating government the same as private defendants.
- Application.** Section 1 applies to claims arising from events that occur on or after August 1, 1999.