

By: Senator(s) Walls

To: Judiciary

## SENATE BILL NO. 2524

1 AN ACT TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, TO  
2 ELIMINATE THE LIMITATION OF JOINT AND SEVERAL LIABILITY FOR  
3 DAMAGES CAUSED BY TWO OR MORE PERSONS AND TO PROVIDE THAT  
4 DEFENDANTS AGAINST WHOM A JUDGMENT IS RENDERED AS JOINT  
5 TORT-FEASORS SHALL SHARE EQUALLY THE OBLIGATION IMPOSED BY SUCH  
6 JUDGMENT; TO PROVIDE FOR CONTRIBUTION BETWEEN JOINT TORT-FEASORS;  
7 AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF  
8 THE STATE OF MISSISSIPPI:

9  
10 SECTION 1. Section 85-5-7, Mississippi Code of 1972, is  
11 amended as follows:

12 85-5-7. In any action for damages where judgment is rendered  
13 against two (2) or more defendants, jointly and severally, as  
14 joint tort-feasors, the defendants against whom such a judgment is  
15 rendered shall share equally the obligation imposed by such  
16 judgment, and if one (1) of such defendants pays an amount greater  
17 than the total sum of the judgment divided by the number of  
18 defendants against whom the judgment was rendered, then the other  
19 defendants shall be jointly and severally liable to him for the  
20 amount so paid in excess of his proportionate part; provided that  
21 no defendant shall be liable to any other defendant for more than  
22 his proportionate share of the original judgment.

23 In determining, for the purpose of the above contribution,  
24 the number of defendants against whom the judgment has been  
25 rendered, an employer and his employee, or a principal and his  
26 agent, shall be considered as one (1) defendant when the liability  
27 of such employer or principal has been caused by the wrongful or  
28 negligent act or commission of his employee or agent; and the  
29 liability of such defendants against whom such a judgment has been

30 rendered shall be joint and several as to the plaintiff in whose  
31 favor such judgment has been rendered.

32 SECTION 2. The provisions of this act shall apply only to  
33 causes of action accruing on or after July 1, 1999.

34 SECTION 3. This act shall take effect and be in force from  
35 and after July 1, 1999.