

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 796

1 AN ACT TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE JOINT AND SEVERAL LIABILITY AS BETWEEN JOINT TORT-FEASORS;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

18 Provided further, that in determining, for the purpose of the
19 above contribution, the number of defendants against whom the
20 judgment has been rendered, an employer and his employee, or a
21 principal and his agent, shall be considered as one (1) defendant

22 when the liability of such employer or principal has been caused
23 by the wrongful or negligent act or commission of his employee or
24 agent.

25 Provided further, that the liability of such defendants
26 against whom such a judgment has been rendered shall be joint and
27 several as to the plaintiff in whose favor such judgment has been
28 rendered.

29 SECTION 2. This act shall take effect and be in force from
30 and after July 1, 1999.