

By: Walls

To: Judiciary

SENATE BILL NO. 2395

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.

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

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

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

22 In determining, for the purpose of the above contribution,  
23 the number of defendants against whom the judgment has been

24 rendered, an employer and his employee, or a principal and his  
25 agent, shall be considered as one (1) defendant when the liability  
26 of such employer or principal has been caused by the wrongful or  
27 negligent act or commission of his employee or agent; and the  
28 liability of such defendants against whom such a judgment has been  
29 rendered shall be joint and several as to the plaintiff in whose  
30 favor such judgment has been rendered.

31 SECTION 2. The provisions of this act shall apply only to  
32 causes of action accruing on or after July 1, 2000.

33 SECTION 3. This act shall take effect and be in force from  
34 and after July 1, 2000.