

HOUSE BILL NO. 427

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GREEN

Introduced: 2/13/02
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil claims against a third-party; amending Rule 14(c), Alaska**
2 **Rules of Civil Procedure; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 09.17.080 is amended by adding a new subsection to read:

5 (e) For purposes of apportioning damages under this section, a defendant, as a
6 third-party plaintiff, may, as allowed under Rule 14, Alaska Rules of Civil Procedure,
7 add as a third-party defendant a person whose fault may have been a cause of the
8 damages claimed by the plaintiff.

9 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **DIRECT COURT RULE AMENDMENT.** Rule 14(c), Alaska Rules of Civil
12 Procedure, is amended to read:

13 (c) **Equitable Apportionment.** For purposes of apportioning damages under
14 AS 09.17.080, a defendant, as a third-party plaintiff, may follow the procedure of

1 paragraph (a) to add as a third-party defendant any person whose fault may have been
2 a cause of the damages claimed by the plaintiff. Judgment may be entered against a
3 third-party defendant in favor of the plaintiff in accordance with the third-party
4 defendant's respective percentage of fault **if, within 30 days after the third-party**
5 **defendant files an answer, the plaintiff files notice with the court of the plaintiff's**
6 **intention to have judgment in favor of the plaintiff entered against the third-**
7 **party defendant. If the plaintiff files notice as required by this paragraph,**
8 **judgment may be entered against a third-party defendant** [,] regardless of whether
9 the plaintiff has asserted a direct claim against the third-party defendant, **and attorney**
10 **fees may be awarded to the prevailing party as allowed under Civil Rule 82.**

11 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **CONDITIONAL EFFECT.** Section 1 of this Act takes effect only if sec. 2 of this Act
14 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
15 of the State of Alaska.

16 * **Sec. 4.** This Act takes effect July 1, 2002.