

Introduced: 2/18/86
Referred: Labor and Commerce,
Judiciary and Finance

1 IN THE SENATE

BY HALFORD

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SENATE BILL NO. 451

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to civil actions; and amending

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Alaska Rules of Civil Procedure 49, 52 and 58."

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

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* Section 1. AS 09.16.020 is amended to read:

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Sec. 09.16.020. PRO RATA SHARES. Except as provided in AS 09.-

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55.650, in [IN] determining the pro rata shares of tortfeasors in the

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entire liability

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(1) their relative degrees of fault shall not be con-

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sidered;

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(2) if equity requires, the collective liability of some as

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a group constitutes a single share; and

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(3) principles of equity applicable to contribution

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generally shall apply.

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* Sec. 2. AS 09.55 is amended by adding a new section to read:

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ARTICLE 8. LIMITATION OF JOINT LIABILITY.

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Sec. 09.55.650. COMPARATIVE APPORTIONMENT OF DAMAGES. (a) In

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all actions where two or more persons become jointly or severally

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liable for the same injury to person or property, including third-

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party defendants and persons who have been released under AS 09.16.-

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040, the court, unless otherwise agreed by all parties, shall instruct

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the jury to answer special interrogatories or, if there is no jury,

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shall make findings, indicating

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(1) the amount of damages each claimant would be entitled

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to recover if contributory fault is disregarded; and

1 (2) the percentage of the total fault of all of the parties
2 to each claim that is allocated to each claimant, defendant, third-
3 party defendant, and person who has been released from liability under
4 AS 09.16.040; for this purpose the court may determine that two or
5 more persons are to be treated as a single party.

6 (b) In determining the percentages of fault, the trier of fact
7 shall consider the nature of the conduct of each party at fault.

8 (c) The court shall determine the award of damages to each
9 claimant in accordance with the findings, subject to a reduction under
10 AS 09.16.040. The court shall enter judgment against each party
11 liable on the basis of rules of joint and several liability, except
12 that a party allocated less than 50 percent of the total fault al-
13 located to all parties shall be jointly liable only for 50 percent of
14 the damages awarded.

15 * Sec. 3. APPLICABILITY. This Act applies to all causes of action
16 accruing after the effective date of this Act.

17 * Sec. 4. AS 09.55.650 enacted in sec. 1 of this Act has the effect of
18 amending Alaska Rule of Civil Procedure 49 by requiring the jury to answer
19 the special interrogatories listed in AS 09.55.650 regarding the amount of
20 damages and the percentages of fault to be allocated among the parties.

21 * Sec. 5. AS 09.55.650 enacted in sec. 1 of this Act has the effect of
22 amending Alaska Rule of Civil Procedure 52 by requiring the court to make
23 specific findings regarding the amount of damages and the percentages of
24 fault to be allocated among the parties.

25 * Sec. 6. AS 09.55.650 enacted in sec. 1 of this Act has the effect of
26 amending Alaska Rule of Civil Procedure 58 by requiring the court to in-
27 clude a specific item in its judgment.