

HOUSE BILL 1099

By Durham

AN ACT to amend Tennessee Code Annotated, Title 29,  
Chapter 11, Part 1, relative to the doctrine of joint  
and several liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 11, Part 1, is amended by  
adding the following new section:

**29-11-107.**

(a) If multiple defendants are found liable in a civil action governed by  
comparative fault, a defendant shall only be severally liable for the percentage of  
damages for which fault is attributed to such defendant by the trier of fact, and no  
defendant shall be held jointly liable for any damages.

(b) Notwithstanding subsection (a), the doctrine of joint and several liability  
remains in effect to apportion financial responsibility in a civil conspiracy among two (2)  
or more at-fault defendants who, each having the intent and knowledge of the other's  
intent, accomplish by concert an unlawful purpose, or accomplish by concert a lawful  
purpose by unlawful means, which results in damage to the plaintiff.

(c) Nothing in this section eliminates or affects the doctrines of vicarious liability  
or respondeat superior.

(d) Nothing in this section limits the ability of the trier of fact to allocate fault to a  
nonparty to the suit, including, but not limited to, an immune third party or a settling  
party, person, or entity. Allocations of fault to nonparties shall be used only to determine  
the liability of named parties and shall not subject nonparties to liability in the action in  
which the allocation occurred or in any other action.

(e) Nothing in this section eliminates or diminishes:

- (1) The filing of cross-claims or counterclaims against any party or third party under Tennessee Rules of Civil Procedure 13 and 14;
- (2) The assertion by a party of rights to contribution or indemnity;
- (3) The assertion by a party of comparative fault under Tennessee Rule of Civil Procedure 8.03;
- (4) The doctrine of superseding and independent intervening cause; or
- (5) Any defenses or immunities that exist as of the effective date of this act.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to all actions accruing on or after that date