



1 B. ~~A defendant shall be jointly and severally liable for the~~  
2 ~~damages recoverable by the plaintiff if the percentage of~~  
3 ~~responsibility attributed to the defendant with respect to a cause~~  
4 ~~of action is greater than fifty percent (50%).~~

5 ~~If at the time the incident which gave rise to the cause of~~  
6 ~~action occurred, a joint tortfeasor acted with willful and wanton~~  
7 ~~conduct or with reckless disregard of the consequences of the~~  
8 ~~conduct and such conduct proximately caused the damages legally~~  
9 ~~recoverable by the plaintiff, the liability for damages shall be~~  
10 ~~joint and several as to any such tortfeasor.~~

11 ~~C.~~ This section shall not apply to actions brought by or on  
12 behalf of the state.

13 ~~D.~~ C. The provisions of this section shall apply to all civil  
14 actions based on fault and not arising out of contract that accrue  
15 on or after November 1, ~~2009~~ 2011.

16 SECTION 2. This act shall become effective November 1, 2011.

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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-23-2011 - DO  
19 PASS.

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