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CONTRIBUTION ACTIONS IN ALL 50 STATES

States generally follow one of three approaches when dealing with multiple parties responsible for causing an injury or damage: **joint liability**, **several liability**, or **joint and several liability**. If a state uses a system of joint liability, each defendant (tortfeasor) is liable up to the total amount of the financial obligation. For example, if two people are responsible for causing an accident which injures a third person, each of the two defendants is responsible up to the full amount of damages. If one of the two defendants disappears, dies, or is uninsured, the remaining defendant remains liable for the full amount of damages, even though their responsibility may have been small. In contrast, in a state following a system of several liability, the two defendants are only liable for their respective portion/percentage of the damages. **Joint and several liability** creates a scenario where each defendant is responsible for the entire amount of damages being pursued by the plaintiff, regardless of the individual defendant's share of damages (percentage of fault) found by the jury.

"Contribution" is a claim brought by one such tortfeasor against another tortfeasor to recover some or all of the money damages the first tortfeasor owes to an injured/damaged plaintiff, as a result of a settlement or a judgment in favor of the plaintiff. For example, if a plaintiff sues a general contractor for injuries resulting from a fall on the job site, the general contractor's insurer could pursue a claim for contribution against a subcontractor who was directly responsible for causing the injury. The insurer would seek reimbursement from the subcontractor based on the latter's proportionate share of responsibility, liability, or fault assigned to the subcontractor either in the original lawsuit or in a separate lawsuit seeking the contribution. Understanding contribution law is important for subrogation practitioners because an insurer who settles on behalf of its insured must know whether the settlement will extinguish its subrogated right of contribution against the other tortfeasors in order to determine what should be paid in settlement.

In some cases, contribution claims are brought within the original lawsuit itself, when one defendant files a cross-claim against a co-defendant. In other cases, a defendant brings (impleads) a completely new party into the lawsuit claiming that it is also responsible for causing the injury or damages. In a large number of cases – depending on state law – a liability insurance carrier might settle with the plaintiff before or during a pending lawsuit or as a result of a judgment, and then seek to make an independent claim for contribution against the third-party defendant, seeking to recover some or all of the damages it paid to the plaintiff, based on allegations that the third-party defendant bears a proportionate share of responsibility, based on its actions.

Contribution (sharing of liability) differs from indemnity in that the latter is a complete shifting of liability based on common law or statute (e.g., a manufacturer must indemnify an innocent retailer for sale of a defective product) or even contract, such as a construction contract which requires a subcontractor to indemnify a general contractor for any and all damages arising out of the subcontractor's work, etc.

In the doctrine of joint and several liability among tortfeasors, when there are multiple tortfeasors, all parties are equally liable for the damages caused to the injured party. This doctrine can be quite harsh. For example, if the driver of a truck hits a pedestrian at night and the jury holds that the city is 15% responsible because it did not properly maintain the lighting at that portion of the road and the truck driver, who is 85% at fault, is uninsured, the city can be made to pay 100% of the damages. Under the doctrine of contribution, the city could then recover any damages paid in excess of its 15% proportion of fault from the truck driver or his employer.

Contribution is subrogation's cousin. Insurance carriers differ in the way they approach the right of contribution, but like subrogation, the goal of contribution is to bring back into the insurance company's coffers, claim dollars that have been paid out. Insurance companies routinely miss opportunities to seek contribution recovery dollars because they don't recognize contribution opportunities or because they have internal procedures and protocols which allow such contribution rights to go unrealized.

In 1939, the National Conference of Commissioners on Uniform State Laws drafted the first Uniform Contribution Among Tortfeasors Act ("UCATA"). The UCATA was revised in 1955, and by 1988 seventeen states had adopted it. The UCATA provides for contribution when two or more persons become jointly and severally liable in tort for the same injury to person or property, "even though judgment has not been recovered against all or any of them."

Virtually all tort cases involve potential contribution issues that can arise when one or more tortfeasors enter into settlement agreements. The same is true for other tort cases in which liability may be shared by multiple defendants or even unnamed tortfeasors. Settlements with joint tortfeasors raise two major issues. In some jurisdictions, when a joint tortfeasor enters into a settlement, the settling tortfeasor may be entitled to contribution provided that certain conditions are met. Conversely, a settling tortfeasor may or may not be protected from contribution liability according to whether other conditions have been satisfied. It is the former scenario that this chart primarily addresses.

STATUTE OF LIMITATIONS

Although a state may have a special statute of limitations providing that actions for contribution must be commenced within a specified time after the cause of action accrues to the injured person (usually the date of the accident or injury) so that the time to file a third-party complaint is governed by the time the original cause of action accrues and not from the time the right to contribution accrues, the general rule is that the statute of limitations governing claims for contribution runs from the discharge of the obligation (liability claim payment to the plaintiff by defendant seeking contribution) and not from the time when the original tort occurred. This means that in many situations, the right of contribution is still viable even though the plaintiff's time in which to pursue a defendant has lapsed. For example, Wisconsin's Wis. Stat. § 893.92 provides:

Wis. Stat. § 893.92. Action for contribution. *An action for contribution based on tort, if the right of contribution does not arise out of a prior judgment allocating the comparative negligence between the parties, shall be commenced within one year after the cause of action accrues or be barred.*

In jurisdictions where the practice permits a party seeking contribution to found its contribution action upon the principal obligation or a judgment as assignee or subrogee of the creditor, the ordinary rule in simple actions for contribution that the statute of limitations begins to run on payment may not apply to an action brought on this theory, and the statute of limitations may begin to run from the date the principal obligation becomes due or from the date of the judgment. While the statute of limitations differs from state to state, the majority rule is that in states which allow such contribution actions, the statute of limitations for the party seeking contribution runs from the date of its original liability claim payment to the plaintiff.

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
ALABAMA	<p style="text-align: center;">Joint and Several Liability</p> <p>No contribution or indemnity between joint tortfeasors allowed unless valid indemnification agreement exists or contribution plaintiff is totally without fault but held liable due to non-delegable duty.</p> <p>An important exception exists in medical malpractice cases where one tortfeasor can seek indemnity against another if the other's negligence was the primary or proximate cause of the injury.</p>	<p><i>Matkin v. Smith</i>, 643 So.2d 949 (Ala. 1994).</p> <p><i>Crigler v. Salac</i>, 438 So.2d 1375 (Ala. 1983).</p> <p><i>Mikkelsen v. Salama</i>, 619 So.2d 1382 (Ala. 1993).</p>	<p>In action seeking indemnification, the limitations period must be filed 2 years after liability has become fixed.</p> <p><i>Ex parte Stonebrook Development, L.L.C.</i>, 854 So.2d 584, 591 (Ala. 2003).</p>
ALASKA	<p style="text-align: center;">Several Liability</p> <p>Alaska repealed its Uniform Contribution Act when it eliminated joint and several liability. This doesn't mean that Alaska's pro rata statutory contribution system is no longer in effect. The repeal does not imply rejection of the principle of contribution based on proportional fault. Common law contribution is still available. They call it "Equitable Apportionment."</p>	<p>Alaska Stat. § 09.17.080.</p> <p>Alaska Stat. §§ 09.16.10 to 09.16.60 (repealed 1989).</p> <p><i>McLaughlin v. Lougee</i>, 137 P.3d 267 (Alaska 2006).</p>	<p>2 years from the time the right of action for contribution accrues (ordinarily by payment).</p> <p><i>Alaska Gen. Alarm v. Grinnell</i>, 1 P.3d 98 (Alaska 2000).</p>
ARIZONA	<p style="text-align: center;">Several Liability</p> <p>Unless acting in concert or hazard wastes involved.</p> <p>No right of contribution where a settling defendant's liability is several only. Contribution allowed only in rare instances where joint and several liability.</p>	<p>A.R.S. § 12-2506.</p> <p><i>PAM Transport v. Freightliner Corp.</i>, 893 P.2d 1295 (Ariz. 1995).</p> <p>A.R.S. § 12-2502.</p>	<p>3 years from date of payment or judgment. A.R.S. § 12-541.</p>
ARKANSAS	<p>A joint tortfeasor's failure to sue for contribution within the principal lawsuit does not impair the party's ability to seek contribution in a separate action.</p> <p>A settling joint tortfeasor may not seek contribution against one whose liability to the claimant was not extinguished by settlement.</p>	<p>A.C.A. § 16-61-207(6).</p> <p>A.C.A. § 16-61-202(3).</p>	<p>3 years from date joint tortfeasor pays more than his pro rata share of common liability. A.C.A. § 16-56-105.</p>

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
CALIFORNIA	<p>Is called “partial equitable indemnity.” Good faith settlement finding bars contribution against settling tortfeasor and provides an offset in the amount of the settlement to the subsequent liability of non-settlers.</p> <p>A settling defendant can recover equitable indemnity from a non-settling defendant to the extent the settling defendant has discharged a liability that the non-settling defendant should be responsible to pay.</p> <p>The right of contribution can be enforced in a separate lawsuit.</p>	<p>Cal. C.C.P. § 877.</p> <p><i>American Motorcycle Ass'n v. Sup. Ct. of Los Angeles Cty.</i>, 578 P.2d 899 (Cal. 1978).</p> <p><i>Coca-Cola Bottling Co. v. Lucky Stores, Inc.</i>, 11 Cal. App.4th 1372 (Cal. 1992).</p>	<p>1 year from date the settlement is paid.</p> <p><i>Smith v. Parks Manor</i>, 243 Cal. Rptr. 256 (Cal. App. 1987).</p>
COLORADO	<p>A right of contribution exists in favor of a tortfeasor who has paid more than his pro rata share of the common liability.</p> <p>A claim for contribution may be brought in the underlying action or as a separate action.</p>	<p>C.R.S. § 13-21-111.5.</p> <p>C.R.S. § 13-50.5-104.</p>	<p>1 year after judgment final. C.R.S. § 13-50.5-104.</p> <p>If no judgment, contribution plaintiff must discharge common liability within the applicable limitations period and initiate contribution action within one year of payment.</p>
CONNECTICUT	<p>A right of contribution exists in favor of a defendant required to pay more than his proportionate share of a judgment.</p> <p>A contribution plaintiff who pays or agrees to pay a settlement or judgment can commence a separate action for contribution by other tortfeasors.</p>	<p>C.G.S.A. § 52-572h(1).</p> <p><i>Phelan v. Miller</i>, 2002 WL 31928636 (Conn. Super. 2002).</p>	<p>1 year after judgment final. C.G.S.A. § 52-572o.</p> <p>If no judgment, contribution plaintiff must discharge common liability within the applicable limitations period and initiate contribution action within one year of payment. C.G.S.A. § 52-5720(e).</p>
DELAWARE	<p>A settling contribution plaintiff is not entitled to contribution from a tortfeasor whose liability was not extinguished by the settlement. No contribution in a separate action if it can be enforced by cross-claim in the original action.</p>	<p>10 Del. C. §§ 6302, 6306 (1975).</p> <p><i>Builders and Managers, Inc. v. Dryvit Sys., Inc.</i>, 2004 WL 304357 (Del. Super. 2004).</p>	<p>Separate contribution actions are rarely allowed. Usually, they must be filed in the underlying third-party action.</p>
DISTRICT OF COLUMBIA	<p>D.C. Court of Appeals has yet to decide whether a settling defendant has a right to contribution.</p>	<p><i>Paul v. Bier</i>, 758 A.2d 40, 46 (D.C. 2000).</p>	<p>N/A</p>

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
FLORIDA	A settling contribution plaintiff is entitled to contribution from a tortfeasor whose liability was extinguished by the settlement, either in the main action or as a separate action. Settlement must be reasonable.	F.S.A. § 768.31.	1 year after judgment. F.S.A. § 768.31(d)(2). If no judgment, must discharge liability within underlying statute of limitations period and file contribution action within 1 year after payment. F.S.A. § 768.31(d)(1).
GEORGIA	A claim for contribution may be brought as a separate suit after a judgment or settlement. It is not required that the party against whom contribution is sought be named in the original action.	<i>Tenneco Oil Co. v. Templin</i> , 410 S.E.2d 154 (Ga. App. 1991). O.C.G.A. § 51-12-32.	20 year statute of limitations on contribution action begins to run when judgment entered or settlement is made. <i>Independent Mfg. Co., Inc. v. Automotive Products, Inc.</i> , 233 S.E.2d 874 (Ga. App. 1977).
HAWAII	Contribution plaintiff is entitled to contribution from a tortfeasor whose liability was extinguished by the settlement, either in main action or separate action. An independent action for contribution will not be allowed if the right can be enforced with a third-party action or cross-claim in the principal lawsuit.	Haw. Rev. Stat. § 663-12. Haw. Rev. Stat. § 663-17.	Underlying 2 year statute of limitations appears applicable, but runs from date of settlement payment. <i>Albert v. Dietz</i> , 283 F.Supp. 854 (D.C. Haw. 1968).
IDAHO	Contribution plaintiff is entitled to contribution from a tortfeasor whose liability was extinguished by the settlement, either in main action or separate action.	Idaho Code § 6-803.	3 years. Idaho Code § 6-803. <i>Porter v. Farmers Ins. Co. of Idaho</i> , 627 P.2d 311 (Idaho 1981).
ILLINOIS	Right of contribution exists between two or more parties liable for injury or property damage even if there is no judgment against any or all of them. Also applies anytime a plaintiff collects damages inconsistent with jury's finding of percentage of responsibility. No contribution against parties who settle in good faith.	Joint Tortfeasor Contribution Act 740 I.L.C.S. § 100/2.	No Suit Filed: 2 years from date of contribution plaintiff's payment. Suit Filed: 2 years from date contribution plaintiff served. 740 I.L.C.S. § 15/13-204.

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INDIANA	Both the common law of Indiana and the Comparative Fault Act prohibit contribution among joint tortfeasors.	<i>Mullen v. Cogdell</i> , 643 N.E.2d 390 (Ind. App. 1994). I.C. § 34-51-2-12.	N/A
IOWA	Contribution plaintiff is entitled to contribution from a tortfeasor whose liability was extinguished by the settlement, either in main action or separate action. Contribution plaintiff must extinguish liability of contribution defendant to bring separate action.	I.C.A. §§ 668.5(1), 668.6.	A contribution action may be brought within the original action or a separate action brought within 1 year if the parties' percentages of fault have not been established by the court. I.C.A. § 668.6(3).
KANSAS	The "one-action rule" requires that all parties must have their fault determined in a single trial. All liable parties are joined in one action. No party is liable for the fault of others, so "the equitable need for contribution vanished," and the Kansas Supreme Court abolished it.	<i>Albertson v. Volkswagenwerk Aktiengesellschaft</i> , 634 P.2d 1127 (Kan. 1981). K.S.A. § 60-258a. <i>Teepak, Inc. v. Learned</i> , 699 P.2d 35 (Kan. 1985).	N/A
KENTUCKY	Contribution allowed (unless act of moral turpitude), but rare, because defendants are severally liable only for a percentage of liability based on assessed percentage of fault. Percentages are assigned to settling parties but not to non-parties. Settlement discharges defendant from any liability in contribution.	K.R.S. § 412.030. K.R.S. § 411.182.	5 year statute of limitations begins to run upon payment by contribution plaintiff. K.R.S. § 413.120. <i>Baker v. Richeson</i> , 440 S.W.2d 272 (Ky. 1969).
LOUISIANA	Defendant not liable for more than his percentage of fault and not jointly liable with any other person for damages not attributable to him, unless he conspires to commit intentional, tortious act. Contribution permits a tortfeasor who has paid more than his share of a <i>solidary obligation</i> (joint liability) to seek reimbursement from the other tortfeasors for their respective shares of the judgment, but only if actions are intentional and/or willful.	La. Civ. Code Art. 2323, 2324. <i>Hamway v. Braud</i> , 838 So.2d 803 (La. App. 2002).	1 year statute of limitation applies but runs from date of payment. La. Civ. Code Art. 3492, 3595. <i>Cole v. Celotex Corp.</i> , 599 So.2d 1058 (La. 1992).

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<p>MAINE</p>	<p>Joint tortfeasors have a right to contribution which may be enforced through a separate action. It is an equitable right, founded on the principles of natural justice, as opposed to a statutory right.</p>	<p><i>Otis Elevator Co. v. F.W. Cunningham & Sons</i>, 454 A.2d 335 (Me. 1983).</p>	<p>Contribution action brought within a reasonable period of time not subject to affirmative defense of laches.</p>
<p>MARYLAND</p>	<p>Tortfeasor has action for contribution against joint tortfeasor who signs release and agrees he is joint tortfeasor or who is so determined by a court.</p> <p>Joint tortfeasor who has paid more than his pro rata share of a judgment may enforce his right of contribution by making a post-trial motion for Judgment of Contribution or Recovery Over pursuant to Maryland Rule 2-614 even if he did not file a cross-claim against his joint tortfeasors.</p>	<p>Maryland Uniform Contribution Among Joint Tortfeasors Act.</p> <p>Md. Cts. & Jud. Proc. § 3-1402(a).</p> <p><i>Lerman v. Heemann</i>, 701 A.2d 426 (Md. 1997).</p>	<p>3 years from date of payment or judgment. Md. Cts. & Jud. Proc. § 5-101 (1998).</p> <p><i>Tadger v. Montgomery Cty.</i>, 487 A.2d 658 (Md. 1985).</p>
<p>MASSACHUSETTS</p>	<p>Contribution plaintiff entitled to recover from joint tortfeasor the amount of a reasonable settlement which is in excess of his pro rata share of liability, in third-party action or separate action.</p>	<p>M.G.L.A. 231B, § 1 and 3.</p>	<p>1 year after judgment. M.G.L.A. 231B § 1(c).</p> <p>If no judgment, must discharge liability within SOL period and file contribution action within 1 year after payment. M.G.L.A. 231B, § 1(d).</p>
<p>MICHIGAN</p>	<p><u>Judgment</u>: Contribution plaintiff who satisfies all or part of a judgment for which he is jointly liable is entitled to contribution only if the contribution defendant was made a party to the original action and a reasonable effort was made to notify him of the commencement of the action.</p> <p><u>Settlement</u>: A tortfeasor who enters into a settlement with the claimant is entitled to bring an action for contribution when the contribution defendant's liability was extinguished by the settlement, a reasonable effort was made to notify him of the settlement negotiations, and he was given a reasonable opportunity to participate in the settlement negotiations.</p> <p>Contribution may be enforced by motion or a separate action.</p> <p>Liability insurer is subrogated to rights of contribution plaintiff.</p>	<p>M.C.L.A. § 600.2925a.</p> <p>M.C.L.A. § 600.2925b.</p> <p>M.C.L.A. § 600.2925c.</p> <p><i>Gerling Konzern Allgemeine Versicherungs AG v. Lawson</i>, 684 N.W.2d 358 (Mich. 2004).</p>	<p><u>Judgment</u>: Separate action must be filed within 1 year after judgment has become final by lapse of time for appeal or after appellate review.</p> <p><u>Settlement</u>: Separate action barred unless contribution plaintiff has paid within SOL applicable to plaintiff's right of action against him (3 years) and has commenced his contribution action within 1 year after payment - unless contribution plaintiff has agreed while underlying action is pending against him to discharge common liability and, within 1 year after the agreement, paid liability and commenced his contribution action.</p>

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MINNESOTA	Contribution in proportion to percentage of fault is allowed. A contribution plaintiff may sue for contribution in the underlying action or in a separate action.	M.S.A. § 604.02. <i>Anderson v. Gabrielson</i> , 126 N.W.2d 239 (Minn. 1964).	The 6 year statute of limitations for the contribution/ indemnity action does not begin to run until contribution plaintiff has paid. M.S.A. § 541.05(1)(5). <i>Blomgren v. Marshall Mgmt. Services, Inc.</i> , 483 N.W.2d 504 (Minn. App. 1992).
MISSISSIPPI	Joint and several liability abolished in 2007. Today, contribution actions allowed for those whose liability is joint and several because they took part in a common plan to commit a tortious act.	M.C.A. § 85-5-7 (2004). M.C.A. § 85-5-7(4).	3 years from date of payment.* M.C.A. § 15-1-49. * <i>Unclear under MS law. Catch-all statute.</i>
MISSOURI	Joint tortfeasors have a right to contribution. Contribution may be sought in the underlying action or in a separate action.	Mo. Rev. Stat. § 537.060. <i>Safeway Stores, Inc. v. City of Raytown</i> , 633 S.W.2d 727 (Mo. 1982).	5 years from date of settlement or payment of judgment. Mo. Rev. Stat. § 516.120 (2002). <i>Greenstreet v. Rupert</i> , 795 S.W.2d 539 (Mo. App. 1990).
MONTANA	Joint tortfeasors have a right to contribution. Contribution may be sought in the underlying action or as a separate action.	Mont. Stat. § 27-1-703(1). Mont. Stat. § 27-1-703(5).	3 years from date of settlement or payment of judgment. Mont. Stat. § 30-3-122(7).
NEBRASKA	Joint tortfeasors have a right to contribution. The contribution plaintiff must extinguish the liability of the joint tortfeasor from whom contribution is sought. The right to contribution becomes enforceable when one tortfeasor discharges more than his proportionate share of the judgment.	<i>Royal Indem. Co. v. Aetna Cas. & Surety Co.</i> , 229 N.W.2d 183 (Neb. 1975).	4 years from date of settlement or payment of judgment. Neb. Rev. Stat. § 25-206 (1995). <i>Cepel v. Smallcomb</i> , 628 N.W.2d 654 (Neb. 2001).
NEVADA	Joint tortfeasor has right of contribution unless he settles with the claimant prior to judgment. Judgment against one tortfeasor does not discharge the other tortfeasors from liability, nor does the satisfaction of the judgment impair the right of contribution.	N.R.S. § 17.225. N.R.S. § 17.285.	Contribution plaintiff may seek contribution during the original proceeding or in separate proceeding filed within 1 year of final judgment.

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NEW HAMPSHIRE	Whether or not the proportionate fault of the parties has been established, contribution actions may be enforced in a separate action, even if a judgment has not been rendered against the person seeking contribution or the person from whom contribution is being sought.	N.H. Rev. Stat. Ann. § 507:7-g.	If judgment: 1 year from date judgment final. If no judgment: Contribution plaintiff must discharge common liability within statute of limitations of underlying action and then has 1 year to file contribution action.
NEW JERSEY	Contribution allowed provided there is a judgment, determination of plaintiff's damages, and existence of non-settling defendants. Settling tortfeasor is entitled to contribution from other joint tortfeasors if settlement extinguishes the joint tortfeasors' liability and settlement was reasonable.	N.J.S.A. § 2A:53A-2. <i>Young v. Steinberg</i> , 242 A.2d 658 (N.J. Super. 1968).	6 years from date the cause of action accrues (payment). N.J.S.A. § 2A:14-1. <i>Ideal Mut. Ins. Co. v. Royal Globe Ins. Co.</i> , 511 A.2d 1205 (N.J. Super. 1986).
NEW MEXICO	Joint tortfeasors have a right to contribution, provided they have discharged the common liability of the joint tortfeasors by payment or paid more than their pro rata share. Settlement or order must satisfy "all claims" arising out of the incident. Contribution may be sought in the underlying action or as a separate action.	N.M.S.A. § 41-3-2. <i>Sanford v. Stoll</i> , 518 P.2d 1210 (N.M. App. 1974).	3 years from date contribution plaintiff has either discharged the common liability of the joint tortfeasors by payment, or has paid more than his pro rata share. N.M.S.A. § 55-3-118. <i>Mora-San Miguel Elec. Co-Op., Inc. v. Hicks & Ragland</i> , 598 P.2d 218 (N.M. App. 1979).
NEW YORK	Joint tortfeasors have a right to contribution, provided they have discharged the common liability of joint tortfeasors by payment or have paid more than their pro rata share. Settlement or order must satisfy "all claims" arising out of the incident. Contribution may be sought in the underlying action or in a separate action. A joint tortfeasor who settles with a tortfeasor relieves that tortfeasor of any potential contribution liability to any other person.	N.Y. C.P.L.R. § 1401. N.Y. C.P.L.R. § 1403. N.Y. Gen. Oblig. § 15-108(c).	2 years from date of payment. <i>Berlin & Jones, Inc. v. State</i> , 381 N.Y.S.2d 778 (N.Y. Ct. Cl. 1976).

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
NORTH CAROLINA	Contribution plaintiff entitled to recover from joint tortfeasor the amount of a reasonable settlement which is in excess of his pro rata share of liability in a third-party action or as a separate action.	N.C.G.S.A. § 1B-1. N.C.G.S.A. § 1B-3(d).	1 year after judgment or payment. 3 years after voluntary dismissal of pending contribution claim. <i>Safety Mut. Cas. Corp. v. Spears, Barnes, Baker, Wainio, Brown & Whaley</i> , 409 S.E.2d 736 (N.C. App. 1991).
NORTH DAKOTA	Contribution allowed in underlying or separate action where tortfeasor pays more than his share of common liability. Contribution plaintiff only entitled to contribution if liability of contribution defendant was extinguished by a reasonable settlement.	N.D.C.C. § 32- 38-01. N.D.C.C. § 32- 38-03.	Must be brought by motion in pending suit or within 1 year of judgment. If settlement, must be brought within 1 year of payment.
OHIO	Contribution allowed in underlying or separate action where tortfeasor pays more than his share of common liability. Contribution plaintiff only entitled to contribution if liability of contribution defendant was extinguished by a reasonable settlement.	Ohio Rev. Code Ann. § 2307.25(A)(B).	1 year after judgment or timely settlement. Ohio Rev. Code Ann. § 2307.26.
OKLAHOMA	Contribution allowed in underlying or separate action where tortfeasor pays more than his share of common liability. Liability insurer specifically subrogated to rights of contribution tortfeasor. Contribution plaintiff only entitled to contribution if liability of contribution defendant was extinguished by a reasonable settlement.	Okla. Stat. Ann. Tit. 12, § 832.	2 years after final judgment or settlement. <i>Fruehauf Trailer Co. v. Gilmore</i> , 167 F.2d 324 (10 th Cir. 1948).
OREGON	Contribution plaintiff entitled to recover from joint tortfeasor the amount of a reasonable settlement which is in excess of his pro rata share of liability in a third-party action or as a separate action.	O.A.R. § 18.440. O.A.R. § 18.445.	2 years after final judgment or settlement. O.A.R. § 18.450.
PENNSYLVANIA	Any defendant who pays more than his percentage may seek contribution in underlying action or as a separate action.	42 P.S. § 7102(b). <i>McMeekin v. Harry M. Stevens, Inc.</i> , 530 A.2d 462 (Pa. Super. 1987).	2 years from date of judgment or settlement. <i>Hughes v. Pron</i> , 429 A.2d 9 (Pa. Super. 1981).

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
RHODE ISLAND	Contribution among joint tortfeasors allowed in underlying action or separate action.	R.I.G.I. § 10-6-3.	1 year after judgment or settlement. R.I.G.I § 10-6-4.
SOUTH CAROLINA	<p>A tortfeasor who enters into a settlement with a claimant is not entitled to recover contribution from another tortfeasor whose liability for the injury or wrongful death is not extinguished by the settlement or in respect to any amount paid in a settlement which is in excess of what was reasonable.</p> <p>A settling tortfeasor may recover contribution from a non-settling tortfeasor provided the settlement agreement must extinguish the non-settling tortfeasor's liability and the settlement amount must be reasonable.</p> <p>Where there is no judgment against the tortfeasor seeking contribution, the right of contribution is barred unless they have either (1) discharged by payment the common liability within the statute of limitations period applicable to plaintiff's right of action against them and have commenced action for contribution within 1 year after payment, or (2) agreed while action is pending against them to discharge the common liability and have, within 1 year after the agreement, paid the liability and commenced their contribution action for contribution.</p>	<p>S.C. Code Ann. § 15-38-20(D).</p> <p>(Note: There is some question as to how much can be recovered in a contribution action. Although most states allocate a percentage of fault to determine the contribution amount, some believe South Carolina's joint and several principles control and a contribution plaintiff's pro rata recovery is determined by the settlement amount divided by the number of joint tortfeasors.</p> <p>S.C. Code Ann. § 15-38-40.</p>	1 year after the common liability is extinguished by the release.
SOUTH DAKOTA	<p>A joint tortfeasor has a right of contribution in the underlying action and separate action if they settle and extinguish the liability of the contribution defendant.</p> <p>A release by the injured person of one joint tortfeasor does not relieve him from contribution liability unless the release is given before right of contribution accrues, and provides a pro rata reduction of plaintiff's damages recoverable against all other tortfeasors.</p>	<p>S.D.C.L. § 15-8-12.</p> <p>S.D.C.L. § 15-8-18.</p>	<p>1 year after payment (judgment or settlement).</p> <p>Uniform Contribution Among Tortfeasors Act ("UCATA").</p>
TENNESSEE	Joint tortfeasors have right of contribution, unless intentional. Contribution action can be brought in original action or in a separate action.	T.C.A. § 29-11-102.	<p>1 year after payment (judgment or settlement).</p> <p><i>Security Fire Protection v. City of Ripley</i>, 608 S.W.2d 874 (Tenn. App. 1980).</p>

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
TEXAS	<p>Each joint and several tortfeasor paying more than its proportion of damages has a right to contribution from other jointly and severally liable defendants up to the other defendants' unpaid share of damages.</p> <p>No defendant has a right of contribution against any settling person and a settling defendant has no contribution rights against non-settling defendants.</p> <p>Contribution claims between named defendants must be determined in the primary suit or they are waived unless right of contribution exists because a third-party was not party of the primary suit and has made no settlement with plaintiff.</p>	<p>Tex. Civ. Prac. & Rem. Code Ann. § 33.013(c).</p> <p>Tex. Civ. Prac. & Rem. Code Ann. § 33.015(d).</p>	<p>2 years from date judgment or settlement imposes liability on contribution plaintiff.</p> <p><i>Beaumont Coca Cola Bottling Co. v. Cain</i>, 628 S.W.2d 99 (Tex. App. 1981).</p>
UTAH	<p>Utah has no joint and several liability. Therefore, a defendant in a tort case is not entitled to contribution.</p> <p>A defendant may join other responsible parties as defendants in the original action, and may identify non-parties whom the trier of fact should consider when allocating fault.</p>	<p>U.C.A. § 78-27-40.</p> <p>U.C.A. § 78-27-41, amended by Comparative Negligence Allocation Act, ch. 95, § 4, 1999 Utah Laws 370.</p>	<p>4 years for personal injuries. U.C.A. § 78-12-25(3).</p>
VERMONT	<p>Vermont does not afford joint tortfeasors a right to contribution.</p>	<p><i>Murray v. J & B Inter'l Trucks, Inc.</i>, 508 A.2d 1351 (Vt. 1986).</p>	<p>N/A</p>
VIRGINIA	<p>Joint tortfeasors have a right to contribution in cases of negligence with no moral turpitude.</p> <p>A joint tortfeasor who settles is not subject to contribution from the others, and is not entitled to contribution unless the settlement specifically discharges all joint tortfeasors from liability.</p>	<p>Va. St. § 8.01-34.</p> <p>Va. St. § 8.01-35.1.</p>	<p>3 years from date of payment of judgment or settlement.</p> <p>Va. St. § 8.01-246(4) (Implied Contract).</p> <p><i>Gemco-Ware, Inc. v. Rongene Mold</i>, 360 S.E.2d 342 (Va. 1987).</p>
WASHINGTON	<p>A joint and several tortfeasor has a right of contribution in underlying action and separate action if liability of the contribution defendant is extinguished.</p>	<p>R.C.W.A. § 4.22.040.</p>	<p>1 year from date of judgment or settlement. R.C.W.A. § 4.22.050.</p>

STATE	CONTRIBUTION LAW	AUTHORITY	STATUTE OF LIMITATIONS
WEST VIRGINIA	<p>Right of contribution allowed against joint tortfeasors against whom judgment entered.</p> <p>No contribution allowed against party who settled reasonably and in good faith.</p> <p>A defendant may not pursue a separate cause of action against a joint tortfeasor for contribution after judgment has been rendered in the underlying case, when that joint tortfeasor was not a party in the underlying case and the defendant did not file a third-party claim against that joint tortfeasor.</p>	<p>W. Va. Code § 55-7-13.</p> <p><i>Haynes v. City of Nitro</i>, 240 S.E.2d 544 (W. Va. 1977).</p>	<p>2 years from date of judgment. W. Va. Code. § 55-2-12.</p>
WISCONSIN	<p>The right to contribution arises when one party has paid more (judgment or settlement) than its just proportion of a joint liability. The right of contribution cannot arise out of a prior judgment allocating the comparative negligence between the two parties.</p>	<p><i>General Accident Ins. Co. v. Schoendorf & Sorgi</i>, 549 N.W.2d 429 (Wis. 1996).</p>	<p>1 year from payment. Wis. Stat. § 893.92. Payment, not determination of proportional responsibilities, starts the one-year period running.</p>
WYOMING	<p>Joint and several liability has been abolished. No right of contribution exists.</p>	<p>Wyo. Stat. § 1-1-109.</p>	<p>N/A</p>

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