

TITLE 7: CIVIL PROCEDURE
DIVISION 4: JUDGMENTS; ENFORCEMENT OF JUDGMENTS

§ 4302. Right of Contribution.

(a) Except as otherwise provided in this chapter, where two or more persons become jointly or severally liable in tort for the same injury to person or property or for the same wrongful death, there is a right of contribution among them even though judgment has not been recovered against all or any of them.

(b) The right of contribution exists only in favor of a tortfeasor who has paid more than a pro rata share of the common liability. The total recovery by the tortfeasor is limited to the amount paid by that person in excess of a pro rata share. No tortfeasor is compelled to make contribution beyond his or her own pro rata share of the entire liability.

(c) There is no right of contribution in favor of any tortfeasor who has intentionally, wilfully, or wantonly caused or contributed to the injury or wrongful death.

(d) 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 nor is the tortfeasor entitled to recover in respect to any amount paid in a settlement which is in excess of what was reasonable.

(e) A liability insurer, who by payment has discharged in full or in part the liability of a tortfeasor and has thereby discharged in full its obligation as insurer, is subrogated to the tortfeasor's right of contribution to the extent of the amount it has paid in excess of the tortfeasor's pro rata share of the common liability. This provision does not limit or impair any right of subrogation arising from any other relationship.

(f) This chapter does not impair any right of indemnity under existing law. Where one tortfeasor is entitled to indemnity from another, the right of the indemnity obligee is for indemnity and not contribution, and the indemnity obligor is not entitled to contribution from the obligee for any portion of his or her indemnity obligation.

(g) This chapter shall not apply to breaches of trust or of other fiduciary obligation.

Source: 6 TTC § 552.