

FINAL BILL REPORT

SB 5077

C 44 L 93

SYNOPSIS AS ENACTED

Brief Description: Specifying when damages for pain and suffering of a deceased person may be recovered by survivors.

SPONSORS: Senator Vognild

SENATE COMMITTEE ON LAW & JUSTICE

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

A person's right to assert a legal cause of action generally survives that person's death and, in most cases, may be exercised by the executor of his or her estate.

However, a claim for damages based upon a decedent's pain and suffering survives only if the injury that caused the pain and suffering also caused the decedent's death. Moreover, such claims may be brought only on behalf of the decedent's surviving spouse or living children; or if the decedent dies leaving no spouse or children, on behalf of the decedent's dependent parents or siblings.

It has been suggested that a decedent's survivors should be able to recover damages for the decedent's pain and suffering even if the pain and suffering was caused by an injury unrelated to the decedent's death.

SUMMARY:

The personal representative of an estate, on behalf of certain surviving relatives of a decedent, is entitled to recover damages for pain and suffering experienced by the decedent regardless of whether the injury that caused the decedent's pain and suffering also caused the decedent's death.

VOTES ON FINAL PASSAGE:

Senate	47	2
House	98	0

EFFECTIVE: July 25, 1993