

2019 -- S 0463 SUBSTITUTE A

LC001694/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR
ACTIONS - DEATH BY WRONGFUL ACT

Introduced By: Senators McKenney, Archambault, Lynch Prata, Nesselbush, and
McCaffrey

Date Introduced: February 27, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 10-7-1.2 of the General Laws in Chapter 10-7 entitled "Death By
2 Wrongful Act" is hereby amended to read as follows:

3 **10-7-1.2. Liability for loss of consortium -- Liability for loss of society and**
4 **companionship.**

5 (a) Whenever the death of a married person shall be caused by the wrongful act, neglect,
6 or default of another person, the decedent's spouse may recover damages against the person for
7 loss of consortium and for the emotional distress, grief, and loss of enjoyment of life as a result of
8 the death.

9 (b) Whenever the death of a parent or parents of a son or daughter shall be caused by the
10 wrongful act, neglect or default of another person, the son or daughter may recover damages
11 against the person for the loss of parental society and companionship and for the emotional
12 distress, grief, and loss of enjoyment of life as a result of the death.

13 (c) Whenever the death of a son or daughter shall be caused by the wrongful act, neglect,
14 or default of another person, the parent or parents of the son or daughter may recover damages
15 against the person for the loss of the son's or daughter's society and companionship and for the
16 emotional distress, grief, and loss of enjoyment of life as a result of the death.

1 SECTION 2. This act shall take effect upon passage and shall apply only to all claims
2 resulting from injuries occurring after the effective date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow recovery of damages for the emotional distress, grief, and loss of
2 enjoyment of life as a result of the wrongful death of a spouse, a parent or a son or daughter.

3 This act would take effect upon passage and would apply only to all claims resulting
4 from injuries occurring after the effective date.

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