

2023 -- H 5513

LC000998

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives Baginski, Potter, Dawson, J. Brien, and McEntee

Date Introduced: February 10, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **10-7-2. Persons who may bring actions — Limitation of actions — Minimum recovery**
4 **period.**

5 (a) Every action under this chapter, other than one brought under § 10-7-1.2, shall be
6 brought by and in the name of the executor or administrator of the deceased person, whether
7 appointed or qualified within or without the state, and of the amount recovered in every action
8 under this chapter one-half (½) shall go to the husband or widow, and one-half (½) shall go to the
9 children of the deceased, and if there are no children, the whole shall go to the husband or widow,
10 and, if there is no husband or widow, to the next of kin, in the proportion provided by law in relation
11 to the distribution of personal property left by persons dying intestate; except that no person who
12 is adjudged to be in willful contempt of being in excess of six (6) months in arrears of an order to
13 pay child support for the deceased individual shall be allowed recovery pursuant to this chapter and
14 a person so adjudged shall be deemed to have predeceased the child for the purpose of determining
15 distribution under the intestacy statute.

16 (b) Every action brought under § 10-7-1.2 shall be brought by and in the name of the person
17 or persons sustaining the loss of society, companionship and/or consortium and the amount
18 recovered shall go to the person or persons who sustained the loss.

1 (c) Except as otherwise provided, every action brought pursuant to this chapter shall be
2 commenced within three (3) years after the death of the person. With respect to any death caused
3 by any wrongful act, neglect or default which is not known at the time of death, the action shall be
4 commenced within three (3) years of the time that the wrongful act, neglect or default is discovered
5 or, in the exercise of reasonable diligence, should have been discovered. Whenever any person or
6 corporation is found liable under §§ 10-7-1 — 10-7-4 he or she or it shall be liable in damages in
7 the sum of not less than ~~two hundred fifty thousand dollars (\$250,000)~~ three hundred sixty-five
8 thousand dollars (\$365,000) or such higher amount as adjusted pursuant to subsection (e) of this
9 section.

10 (e) On January 31, 2024 and each January 31 thereafter, the amount any person or
11 corporation shall be liable pursuant to subsection (d) of this section, shall be adjusted by the
12 percentage increase in the consumer price index for all urban consumers (CPI-U) published by the
13 United States Department of Labor Bureau of Labor Statistics for the Northeast Region for the
14 previous year.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would raise the minimum recovery in a civil action to recover for a wrongful death
2 from two hundred fifty thousand dollars (\$250,000) to three hundred sixty-five thousand dollars
3 (\$365,000) and would automatically increase for inflation the minimum recovery annually on
4 January 31. The increase is based on the consumer price index.

5 This act would take effect upon passage.

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