

2010 -- H 7759

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Representatives Pacheco, and JP O'Neill

Date Introduced: February 25, 2010

Referred To: House 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.** -- (a) Whenever the death of a married person shall be caused by the wrongful
5 act, neglect, or default of another person, the decedent's spouse may recover damages against the
6 person for loss of consortium.

7 (b) Whenever the death of a parent or parents of ~~an unemancipated minor or minors~~ a
8 son or daughter shall be caused by the wrongful act, neglect or default of another person, the
9 ~~minor or minors~~ son or daughter may recover damages against the person for the loss of parental
10 society and companionship.

11 (c) Whenever the death of ~~an unemancipated minor~~ a son or daughter shall be caused by
12 the wrongful act, neglect, or default of another person, the parent or parents of the ~~minor~~ son or
13 daughter may recover damages against the person for the loss of the ~~minor's~~ son's or daughter's
14 society and companionship.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
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- 1 This act would allow a parent to recover damages for loss of consortium or parental
- 2 society and companionship irrelevant of the son's or daughter's age.
- 3 This act would take effect upon passage.

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