
HOUSE BILL 1873

State of Washington 60th Legislature 2007 Regular Session

By Representatives Ormsby, Haler, Pedersen, Wood, VanDeWege,
Campbell, Flannigan, Kessler, Williams and Lantz

Read first time 01/30/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to actions for wrongful injury or death; amending
2 RCW 4.20.010, 4.20.020, 4.20.060, and 4.24.010; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.20.010 and 1917 c 123 s 1 are each amended to read
6 as follows:

7 (1) When the death of a person is caused by the wrongful act,
8 neglect, or default of another or entity, his or her personal
9 representative may maintain an action ((for damages)) against the
10 person or entity causing the death((; and although)) for the economic
11 and noneconomic damages sustained by the beneficiaries listed in RCW
12 4.20.020 as a result of the decedent's death, in such amounts as
13 determined by a jury to be just under all the circumstances of the
14 case.

15 (2) This section applies regardless of whether or not the death
16 ((shall have been)) was caused under such circumstances as amount, in
17 law, to a felony.

1 **Sec. 2.** RCW 4.20.020 and 1985 c 139 s 1 are each amended to read
2 as follows:

3 Every (~~such~~) action under RCW 4.20.010 shall be for the benefit
4 of the wife, husband, child or children, including stepchildren, of the
5 person whose death shall have been so caused. If there be no wife or
6 husband or such child or children, such action may be maintained for
7 the benefit of the parents, sisters, or brothers (~~, who may be~~
8 ~~dependent upon the deceased person for support, and who are resident~~
9 ~~within the United States at the time of his death~~) of the deceased.

10 In every such action the jury may give such damages as, under all
11 circumstances of the case, may to them seem just.

12 **Sec. 3.** RCW 4.20.060 and 1985 c 139 s 2 are each amended to read
13 as follows:

14 (1) No action for a personal injury to any person occasioning death
15 shall abate, nor shall such right of action (~~determine~~) terminate, by
16 reason of such death, if such person has a surviving spouse or child
17 living, including stepchildren, or if leaving no surviving spouse or
18 (~~such~~) children, (~~if there is dependent upon the deceased for~~
19 support and resident within the United States at the time of decedent's
20 death,) the person has surviving parents, sisters, or brothers (~~(; but~~
21 ~~such action may be prosecuted, or commenced and prosecuted, by the~~
22 ~~executor or administrator)~~).

23 (2) An action under this section shall be brought by the personal
24 representative of the deceased, in favor of (~~such~~) the surviving
25 spouse, or in favor of the surviving spouse and (~~such~~) children, or
26 if no surviving spouse, in favor of (~~such~~) the child or children, or
27 if no surviving spouse or (~~such~~) a child or children, then in favor
28 of the decedent's parents, sisters, or brothers (~~(who may be dependent~~
29 ~~upon such person for support, and resident in the United States at the~~
30 ~~time of decedent's death)~~).

31 (3) In addition to recovering the decedent's economic losses under
32 this section, the persons listed in subsection (1) of this section are
33 entitled to recover any noneconomic damages personal to the decedent
34 including, but not limited to, damages for the decedent's pain and
35 suffering, anxiety, emotional distress, loss of life itself, loss of
36 enjoyment of life, shortened life expectancy, or humiliation, in such

1 amounts as determined by a jury to be just under all the circumstances
2 of the case.

3 **Sec. 4.** RCW 4.24.010 and 1998 c 237 s 2 are each amended to read
4 as follows:

5 (1) A mother or father of a child, or both, ((who has regularly
6 contributed to the support of his or her minor child, and the mother or
7 father, or both, of a child on whom either, or both, are dependent for
8 support)) may maintain or join as a party an action as plaintiff for
9 the injury or death of the child if the mother or father has had
10 significant involvement in the child's life including, but not limited
11 to, either giving or receiving emotional, psychological, or financial
12 support to or from the child.

13 (2) In addition to recovering damages for the child's health care
14 expenses, loss of the child's services, loss of the child's financial
15 support, and other economic losses, damages may be also recovered under
16 this section for the loss of love and companionship of the child, loss
17 of the child's emotional support, and for injury to or destruction of
18 the parent-child relationship, in such amounts as determined by a jury
19 to be just under all the circumstances of the case.

20 (3) An action may be maintained under this section regardless of
21 whether or not the child has attained the age of majority.

22 (4) Each parent is entitled to recover for his or her own loss
23 separately from the other parent regardless of marital status, even
24 though this section creates only one cause of action((, but if the
25 parents of the child are not married, are separated, or not married to
26 each other damages may be awarded to each plaintiff separately, as the
27 trier of fact finds just and equitable)).

28 (5) If one parent brings an action under this section and the other
29 parent is not named as a plaintiff, notice of the institution of the
30 suit, together with a copy of the complaint, shall be served upon the
31 other parent: PROVIDED, That notice shall be required only if
32 parentage has been duly established.

33 Such notice shall be in compliance with the statutory requirements
34 for a summons. Such notice shall state that the other parent must join
35 as a party to the suit within twenty days or the right to recover
36 damages under this section shall be barred. Failure of the other

1 parent to timely appear shall bar such parent's action to recover any
2 part of an award made to the party instituting the suit.

3 ~~((In such an action, in addition to damages for medical, hospital,
4 medication expenses, and loss of services and support, damages may be
5 recovered for the loss of love and companionship of the child and for
6 injury to or destruction of the parent-child relationship in such
7 amount as, under all the circumstances of the case, may be just.))~~

8 NEW SECTION. **Sec. 5.** This act is remedial and retroactive and
9 applies to all claims that are not time barred, as well as any claims
10 pending in any court on the effective date of this act.

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