

CERTIFICATION OF ENROLLMENT

SENATE BILL 5077

Chapter 44, Laws of 1993

53rd Legislature
1993 Regular Session

SURVIVAL OF ACTIONS AND RECOVERY OF DAMAGES--REVISIONS

EFFECTIVE DATE: 7/25/93

Passed by the Senate March 15, 1993
YEAS 47 NAYS 2

R. LORRAINE WOJAHN
President of the Senate

Passed by the House April 7, 1993
YEAS 98 NAYS 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Approved April 19, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5077** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN
Secretary

FILED

April 19, 1993 - 1:43 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5077

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senator Vognild

Read first time 01/12/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to survival of actions and damages; and amending
2 RCW 4.20.046.

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

4 **Sec. 1.** RCW 4.20.046 and 1961 c 137 s 1 are each amended to read
5 as follows:

6 (1) All causes of action by a person or persons against another
7 person or persons shall survive to the personal representatives of the
8 former and against the personal representatives of the latter, whether
9 such actions arise on contract or otherwise, and whether or not such
10 actions would have survived at the common law or prior to the date of
11 enactment of this section: PROVIDED, HOWEVER, That ((no)) the personal
12 representative shall only be entitled to recover damages for pain and
13 suffering, anxiety, emotional distress, or humiliation personal to and
14 suffered by a deceased on behalf of those beneficiaries enumerated in
15 RCW 4.20.020, and such damages are recoverable regardless of whether or
16 not the death was occasioned by the injury that is the basis for the
17 action. The liability of property of a husband and wife held by them
18 as community property to execution in satisfaction of a claim
19 enforceable against such property so held shall not be affected by the

1 death of either or both spouses; and a cause of action shall remain an
2 asset as though both claiming spouses continued to live despite the
3 death of either or both claiming spouses.

4 (2) Where death or an injury to person or property, resulting from
5 a wrongful act, neglect or default, occurs simultaneously with or after
6 the death of a person who would have been liable therefor if his death
7 had not occurred simultaneously with such death or injury or had not
8 intervened between the wrongful act, neglect or default and the
9 resulting death or injury, an action to recover damages for such death
10 or injury may be maintained against the personal representative of such
11 person.

Passed the Senate March 15, 1993.

Passed the House April 7, 1993.

Approved by the Governor April 19, 1993.

Filed in Office of Secretary of State April 19, 1993.