

RCW 4.20.060 Action for personal injury survives. (1) No action for a personal injury to any person occasioning death shall abate, nor shall such right of action terminate, by reason of such death, if such person has a surviving spouse, state registered domestic partner, or child living, including stepchildren, or if leaving no surviving spouse, state registered domestic partner, or children, the person has surviving parents or siblings.

(2) An action under this section shall be brought by the personal representative of the deceased, in favor of the surviving spouse or state registered domestic partner, or in favor of the surviving spouse or state registered domestic partner and children, or if no surviving spouse or state registered domestic partner, in favor of the child or children, or if no surviving spouse, state registered domestic partner, or a child or children, then in favor of the decedent's parents or siblings.

(3) In addition to recovering the decedent's economic losses under this section, the persons listed in subsection (1) of this section are entitled to recover damages for the decedent's pain and suffering, anxiety, emotional distress, or humiliation, in such amounts as determined by a trier of fact to be just under all the circumstances of the case. [2019 c 159 § 4; 2007 c 156 § 30; 1985 c 139 § 2; 1973 1st ex.s. c 154 § 3; 1927 c 156 § 1; 1909 c 144 § 1; Code 1881 § 18; 1854 p 220 § 495; RRS § 194.]

Retroactive application—2019 c 159: See note following RCW 4.20.010.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.