

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

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

Introduced By: Senators McCaffrey, Goodwin, Lynch Prata, and Lombardi

Date Introduced: March 21, 2019

Referred To: Senate 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.**

5           (a) Whenever the death of a married person shall be caused by the wrongful act, neglect,  
6 or default of another person, the decedent's spouse may recover damages against the person for  
7 loss of consortium [and for the emotional distress, grief, and loss of enjoyment of life as a result of](#)  
8 [the death.](#)

9           (b) Whenever the death of a parent or parents of a son or daughter shall be caused by the  
10 wrongful act, neglect or default of another person, the son or daughter may recover damages  
11 against the person for the loss of parental society and companionship [and for the emotional](#)  
12 [distress, grief, and loss of enjoyment of life as a result of the death.](#)

13           (c) Whenever the death of a son or daughter shall be caused by the wrongful act, neglect,  
14 or default of another person, the parent or parents of the son or daughter may recover damages  
15 against the person for the loss of the son's or daughter's society and companionship [and for the](#)  
16 [emotional distress, grief, and loss of enjoyment of life as a result of the death.](#)

1           SECTION 2. This act shall take effect upon passage and shall apply to all claims pending  
2 at the time of passage or asserted thereafter; provided, however, that this act shall not apply to,  
3 affect or impair releases executed before the date of passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow recovery of damages for the emotional distress, grief, and loss of  
2 enjoyment of life as a result of the wrongful death of a spouse, a parent or a son or daughter.

3           This act would take effect upon passage and would apply to all claims pending on the  
4 effective date of this act or asserted thereafter; provided, however that this act would not apply to,  
5 affect or impair releases executed before the date of passage.

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