



March 26, 1999

ENGROSSED HOUSE BILL No. 1147

DIGEST OF HB 1147 (Updated March 25, 1999 1:37 pm - DI 76)

Citations Affected: IC 34-6; IC 34-23; noncode.

Synopsis: Wrongful death. Provides that if the death of an unmarried adult individual without dependents is caused by the wrongful act or omission of another person, only the personal representative of the adult individual may maintain an action against the person whose wrongful act or omission caused the death of the adult individual. Provides that the damages that may be recovered in an action include: (1) reasonable medical, hospital, funeral, and burial expenses; and (2) loss of the adult individual's love and companionship. Specifies, however, that damages recovered in the action may not include: (1) damages awarded for a person's grief; or (2) punitive damages.
(Continued next page)

Effective: January 1, 2000.

**Villalpando, Steele, Stevenson,
Ulmer**

(SENATE SPONSORS — MEEKS R, KENLEY, ANTICH, ALEXA)

January 6, 1999, read first time and referred to Committee on Judiciary.
January 25, 1999, reported — Do Pass.
February 1, 1999, read second time, ordered engrossed. Engrossed.
February 8, 1999, read third time, passed. Yeas 59, nays 39.

SENATE ACTION

February 25, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
March 25, 1999, amended, reported favorably — Do Pass.

EH 1147—LS 6520/DI 69+



C
O
P
Y

Digest Continued

Specifies that damages other than reasonable medical, hospital, funeral, and burial expenses inure to the exclusive benefit of a nondependent parent or nondependent child of the adult individual. Requires that before a parent or child may recover the above-described damages, the parent or child has the burden of proving that the parent or child had a genuine, substantial, and ongoing relationship with the adult person. Prohibits a court or jury from hearing evidence concerning the lost earnings of the adult person that occur as a result of the wrongful act or omission. Requires that whenever the court or jury awards damages to more than one person, the court or jury must specify the amount of damages that should be awarded to each person. Provides that in a wrongful death action involving an unmarried adult individual without dependents: (1) the trier of fact must make a separate finding with respect to damages involving the loss of the adult individual's love and companionship; and (2) the aggregate amount of damages that may be recovered for the loss of the adult individual's love and companionship may not exceed \$300,000. Provides for an effective date of January 1, 2000 with respect to the above-described changes.

C
o
p
y



March 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1147

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2000]: **Sec. 2.5. "Adult person", for purposes of**
4 **IC 34-23-1-2, has the meaning set forth in IC 34-23-1-2(a).**
5 SECTION 2. IC 34-23-1-2 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2000]: **Sec. 2. (a) As used in this section, "adult**
8 **person" means an unmarried individual:**
9 (1) **who does not have any dependents; and**
10 (2) **who is not a child (as defined in IC 34-23-2-1).**
11 (b) **If the death of an adult person is caused by the wrongful act**
12 **or omission of another person, only the personal representative of**
13 **the adult person may maintain an action against the person whose**
14 **wrongful act or omission caused the death of the adult person.**
15 (c) **In an action to recover damages for the death of an adult**

EH 1147—LS 6520/DI 69+



C
O
P
Y

- 1 person, the damages:
- 2 (1) must be in an amount determined by a:
- 3 (A) court; or
- 4 (B) jury;
- 5 (2) may not include:
- 6 (A) damages awarded for a person's grief; or
- 7 (B) punitive damages; and
- 8 (3) may include but are not limited to the following:
- 9 (A) Reasonable medical, hospital, funeral, and burial
- 10 expenses necessitated by the wrongful act or omission that
- 11 caused the adult person's death.
- 12 (B) Loss of the adult person's love and companionship.
- 13 (d) Damages awarded under subsection (c)(3)(A) for medical,
- 14 hospital, funeral, and burial expenses inure to the exclusive benefit
- 15 of the adult person's estate for the payment of the expenses. The
- 16 remainder of the damages inure to the exclusive benefit of a
- 17 nondependent parent or nondependent child of the adult person.
- 18 (e) Aggregate damages that may be recovered under subsection
- 19 (c)(3)(B) may not exceed three hundred thousand dollars
- 20 (\$300,000). A jury may not be advised of the monetary limits
- 21 placed on damages under this subsection. If the jury awards the
- 22 plaintiff damages under subsection (c)(3)(B) in an amount that
- 23 exceeds three hundred thousand dollars (\$300,000), the court shall
- 24 reduce that part of the damages awarded to the plaintiff to three
- 25 hundred thousand dollars (\$300,000).
- 26 (f) A parent or child who wishes to recover damages under this
- 27 section has the burden of proving that the parent or child had a
- 28 genuine, substantial, and ongoing relationship with the adult
- 29 person before the parent or child may recover damages.
- 30 (g) In an action brought under this section, a court or a jury
- 31 may not hear evidence concerning the lost earnings of the adult
- 32 person that occur as a result of the wrongful act or omission.
- 33 (h) In awarding damages under this section to more than one (1)
- 34 person, the court or the jury shall specify the amount of the
- 35 damages that should be awarded to each person.
- 36 (i) In an action brought under this section, the trier of fact shall
- 37 make a separate finding with respect to damages awarded under
- 38 subsection (c)(3)(B).
- 39 SECTION 3. [EFFECTIVE JANUARY 1, 2000] IC 34-23-1-2, as
- 40 added by this act, applies only to a cause of action that accrues
- 41 after December 31, 1999.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 10, nays 4.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Antich be added as cosponsor of Engrossed House Bill 1147.

MEEKS R

SENATE MOTION

Mr. President: I move that Senator Kenley be added as a second sponsor of Engrossed House Bill 1147 and that Senator Alexa be added as a cosponsor.

MEEKS R

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2000]".

Page 2, line 4, delete "and".

Page 2, between lines 4 and 5, begin a new line block indented and insert:

"(2) may not include:

(A) damages awarded for a person's grief; or

(B) punitive damages; and"

Page 2, line 5, delete "(2)" and insert "(3)".

Page 2, line 10, delete "(c)(2)(A)" and insert "(c)(3)(A)".

Page 2, line 13, after "a" insert "**nondependent**".

Page 2, line 14, after "or" insert "**nondependent**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(e) Aggregate damages that may be recovered under subsection (c)(3)(B) may not exceed three hundred thousand dollars (\$300,000). A jury may not be advised of the monetary limits placed on damages under this subsection. If the jury awards the plaintiff damages under subsection (c)(3)(B) in an amount that exceeds three hundred thousand dollars (\$300,000), the court shall reduce that part of the damages awarded to the plaintiff to three hundred thousand dollars (\$300,000).

(f) A parent or child who wishes to recover damages under this section has the burden of proving that the parent or child had a genuine, substantial, and ongoing relationship with the adult person before the parent or child may recover damages.

(g) In an action brought under this section, a court or a jury may not hear evidence concerning the lost earnings of the adult person that occur as a result of the wrongful act or omission.

(h) In awarding damages under this section to more than one (1) person, the court or the jury shall specify the amount of the damages that should be awarded to each person.

(i) In an action brought under this section, the trier of fact shall make a separate finding with respect to damages awarded under subsection (c)(3)(B)."

Page 2, line 16, delete "June".

Page 2, line 17, delete "30," and insert "**December 31,**".

EH 1147—LS 6520/DI 69+



C
O
P
Y

Page 2, delete lines 18 through 34.
and when so amended that said bill do pass.

(Reference is to HB 1147 as printed January 26, 1999.)

MEEKS R, Chairperson

Committee Vote: Yeas 10, Nays 0.

C
o
p
y

