



January 26, 1999

HOUSE BILL No. 1147

DIGEST OF HB1147 (Updated January 21, 1999 10:31 am - DI 69)

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 that damages other than reasonable medical, hospital, funeral, and burial expenses inure to the exclusive benefit of a parent or child of the adult individual. Provides that in a wrongful death action involving an
(Continued next page)

Effective: July 1, 1999.

**Villalpando, Steele, Stevenson,
Ulmer**

January 6, 1999, read first time and referred to Committee on Judiciary.
January 25, 1999, reported — Do Pass.

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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 until July 1, 2003; and (2) damages that may be recovered for the loss of the adult individual's love and companionship may not exceed \$300,000 before July 1, 2003.

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January 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.

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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 JULY
3 1, 1999]: **Sec. 2.5. "Adult person", for purposes of IC 34-23-1-2, has**
4 **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 JULY
7 1, 1999]: **Sec. 2. (a) As used in this section, "adult person" means**
8 **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**

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1 person, the damages:
 2 (1) must be in an amount determined by a:
 3 (A) court; or
 4 (B) jury; and
 5 (2) may include but are not limited to the following:
 6 (A) Reasonable medical, hospital, funeral, and burial
 7 expenses necessitated by the wrongful act or omission that
 8 caused the adult person's death.
 9 (B) Loss of the adult person's love and companionship.
 10 (d) Damages awarded under subsection (c)(2)(A) for medical,
 11 hospital, funeral, and burial expenses inure to the exclusive benefit
 12 of the adult person's estate for the payment of the expenses. The
 13 remainder of the damages inure to the exclusive benefit of a parent
 14 or child of the adult person.
 15 SECTION 3. [EFFECTIVE JULY 1, 1999] IC 34-23-1-2, as added
 16 by this act, applies only to a cause of action that accrues after June
 17 30, 1999.
 18 SECTION 4. [EFFECTIVE JULY 1, 1999] (a) In an action
 19 brought under IC 34-23-1-2, as added by this act, the trier of fact
 20 shall make a separate finding with respect to damages awarded
 21 under IC 34-23-1-2(c)(2)(B).
 22 (b) This SECTION expires July 1, 2003.
 23 SECTION 5. [EFFECTIVE JULY 1, 1999] (a) This subsection
 24 does not apply to a cause of action that accrues after June 30, 2003.
 25 Damages that may be recovered under IC 34-23-1-2(c)(2)(B) may
 26 not exceed three hundred thousand dollars (\$300,000).
 27 (b) In an action brought under IC 34-23-1-2, as added by this
 28 act, the jury may not be advised of the monetary limits placed on
 29 damages under subsection (a). If the jury awards the plaintiff
 30 damages under IC 34-23-1-2(c)(2)(B) in an amount that exceeds
 31 three hundred thousand dollars (\$300,000), the court shall reduce
 32 that part of the damages awarded to the plaintiff to three hundred
 33 thousand dollars (\$300,000).
 34 (c) This SECTION expires July 1, 2003.

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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.

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