

HOUSE BILL NO. HB0051

Plaintiffs in wrongful death actions.

Sponsored by: Representative(s) Lubnau and Senator(s) Ross

A BILL

for

1 AN ACT relating to civil procedure; amending and clarifying
2 who may receive awards of damages in wrongful death
3 actions; providing for applicability of the act; and
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 1-38-102(c) is amended to read:

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10 **1-38-102. Action to be brought by personal**
11 **representative; recovery exempt from debts; measure and**
12 **element of damages; limitation of action.**

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14 (c) The court or jury, as the case may be, in every
15 ~~such~~ action brought under the provisions of this section
16 may award ~~such~~ damages, pecuniary and exemplary, as shall
17 be deemed fair and just. ~~Every person for whose benefit~~

1 ~~such action is brought may prove his respective damages,~~
2 ~~and~~ The court or jury may award ~~such~~ any person named as a
3 beneficiary in a valid will or testamentary trust
4 instrument of the deceased that amount of damages to which
5 it considers ~~such~~ the person entitled, including damages
6 for loss of probable future companionship, society and
7 comfort. In the absence of a valid will or testamentary
8 trust instrument, the court or jury may award any person
9 who may be entitled to damages as an heir of the deceased
10 under W.S. 2-4-101(a), or if no heir may take under that
11 subsection, any person who may be entitled under W.S.
12 2-4-101(c), that amount of damages to which it considers
13 the person entitled.

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15 **Section 2.** The provisions of W.S. 1-38-102(c), as
16 amended by this act, shall be effective for any wrongful
17 death action commenced under W.S. 1-38-102 on or after July
18 1, 2010.

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20 **Section 3.** This act is effective July 1, 2010.

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22 (END)