

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 175  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Miller" and substitute "Senators Miller, Colburn, Ferguson, Forehand, Green, Kelley, and Middlebrooks".

AMENDMENT NO. 2

On page 1, in line 2, strike "Noneconomic Damages - Secondary Beneficiaries" and substitute "Damages"; in line 4, strike "a parent" and substitute "certain parents"; in line 11, strike "that scientific evidence" and substitute "certain circumstances that"; in line 13, after the semicolon, insert "providing a tolling provision for certain persons in a wrongful death action under certain circumstances;"; in line 14, after the second semicolon insert "providing for the application of this Act;"; strike beginning with "the" in the line 14 down through "a" in line 15; and in line 15, strike "action" and substitute "actions".

AMENDMENT NO. 3

On page 2, strike line 5 in its entirety and substitute "(d) THE"; in line 10, after "applicable" insert "FOR THE DEATH OF:

(1) A SPOUSE;

(2) A MINOR CHILD;

(3) A PARENT OF A MINOR CHILD; OR

(4) AN UNMARRIED CHILD WHO IS NOT A MINOR CHILD IF:

(I) THE CHILD IS 21 YEARS OLD OR YOUNGER; OR

(Over)

(II) A PARENT CONTRIBUTED 50 PERCENT OR MORE OF THE CHILD'S SUPPORT";

and in line 11, strike "a minor child" and substitute "DESCRIBED UNDER SUBSECTION (D) OF THIS SECTION".

AMENDMENT NO. 4

On page 3, in lines 27 and 29, in each instance, strike "BENEFICIARY" and substitute "CLAIMANT"; in lines 27 and 28, strike "WHO IS A CLAIMANT OR BENEFICIARY" and substitute "DESCRIBED"; and in lines 29 and 30, strike "WHO IS A CLAIMANT OR BENEFICIARY" and substitute "DESCRIBED".

AMENDMENT NO. 5

On page 4, in line 24, strike "BENEFICIARIES" and substitute "CLAIMANTS EQUALS OR"; in line 25, strike ", reduce" and substitute ":

A. REDUCE";

in the same line, strike "BENEFICIARY" and substitute "CLAIMANT"; in line 26, strike "BENEFICIARIES" and substitute "CLAIMANTS"; in line 27, after "award" insert "TO ALL CLAIMANTS OR BENEFICIARIES"; in the same line, strike "OR" and substitute "AND

B. REDUCE EACH AWARD, IF ANY, TO A SECONDARY CLAIMANT TO ZERO DOLLARS; OR";

in line 29, strike "BENEFICIARIES" and substitute "CLAIMANTS"; in line 30, after the comma, insert "OR IF THERE IS NO AWARD TO A PRIMARY CLAIMANT, THE COURT SHALL:

A.";

in the same line, strike "ANY" and substitute "THE"; in the same line, strike "BENEFICIARY" and substitute "CLAIMANT, IF ANY,"; in line 31, after "VERDICT" insert a semicolon; in the same line, after "AND" insert:

B.";

in line 32, strike “BENEFICIARY” and substitute “CLAIMANT”; in line 33, strike “BENEFICIARIES” and substitute “CLAIMANTS”; and in the same line, after “AWARD” insert “TO ALL CLAIMANTS OR BENEFICIARIES”.

AMENDMENT NO. 6

On page 4, after line 34, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to causes of action for wrongful death that arise after the effective date of this Act and may not be applied or interpreted to have any effect on or application to causes of action for wrongful death that arise before the effective date of this Act.”;

and in line 35, strike “2.” and substitute “3.”.