

SEC. 2. *And be it further enacted*, That Section 2 of said Chapter 421 of 1966 as amended by said Chapter 755 of the Acts of 1968, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

2.

This Act shall expire automatically on June 1, [1969] 1970 without further action on the part of the General Assembly and shall be null and void after said date.

SEC. 3. *And be it further enacted*, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.

Approved April 23, 1969.

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CHAPTER 352

(House Bill 774)

AN ACT to repeal and re-enact, with amendments, Section 4 of Article 67 of the Annotated Code of Maryland (1967 Replacement Volume), title "Negligence Causing Death," to change the manner of determination of damages in an action for damages for the wrongful death of a ~~person, including~~ SPOUSE OR a minor child.

WHEREAS, In actions by those entitled under the wrongful death statute for the death of a person or a minor child, the "pecuniary loss" rule or the "pecuniary benefit" rule has been adopted by the Court of Appeals to determine the measure of damages in such cases; and

WHEREAS, The "pecuniary loss" or "pecuniary benefit" rule in the case of the death of an adult is determined by measuring the present value of the pecuniary benefit which those entitled might reasonably have expected to receive from that person, had that person not been killed, and in the case of a minor's death, it is determined by measuring the pecuniary worth of the services which the child would have rendered during his life and to subtract from this probable cost of his maintenance, education and upbringing; and

WHEREAS, Strict application of this test in the case of an adult results in a failure of those entitled to recover to be compensated for the loss of probable future companionship, society, comfort, and for mental anguish, and in the case of a minor's death, the strict application of this test results in a minus figure, since the value of his services lost by death in modern society is generally much less than the probable cost of raising the child; and

WHEREAS, It is desirable to substitute a valid test for determining damages for the fictional test of the "pecuniary loss" or the "pecuniary benefit" rule in which emotional factors frequently enter; now, therefore,