

the legislature examines the problem and makes a policy decision on the precise language of the definition, the Commission believes it is safe to make no change. The 'if otherwise applicable' language in subsection (d) is an attempt to clarify this definition, and to refer the code user to other portions of the code for provisions relating to waiver of governmental or sovereign immunity. The second portion of Art. 67, §6, which merely restates the doctrine of respondent superior, is proposed for repeal.

SEC. 3-902. LIABILITY NOTWITHSTANDING DEATH.

(A) IN GENERAL.

AN ACTION MAY BE MAINTAINED AGAINST A PERSON WHOSE WRONGFUL ACT CAUSES THE DEATH OF ANOTHER.

(B) LIABILITY OF VESSEL.

IF THE DEATH OF A PERSON WAS CAUSED BY A WRONGFUL ACT, NEGLIGENCE, OR DEFAULT OF A VESSEL, AN ACTION IN REM MAY BE MAINTAINED AGAINST THE VESSEL.

(C) ACTION AGAINST PERSONAL REPRESENTATIVE OF PERSON WHO CAUSED DEATH.

IF A PERSON WHOSE WRONGFUL ACT CAUSED THE DEATH OF ANOTHER, DIES BEFORE AN ACTION UNDER THIS SECTION IS COMMENCED, THE ACTION MAY BE MAINTAINED AGAINST HIS PERSONAL REPRESENTATIVE.

REVISOR'S NOTE: This section is new language derived from Art. 67, §1.

Cross-Reference: As to proceeding to enforce a claim against decedent's estate, see Art. 93, subtitle VIII.

SEC. 3-903. WHEN WRONGFUL ACT OCCURS OUTSIDE OF MARYLAND.

(A) APPLICATION OF SUBSTANTIVE LAW OF ANOTHER STATE.

IF THE WRONGFUL ACT OCCURRED IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR A TERRITORY OF THE UNITED STATES, A MARYLAND COURT SHALL APPLY THE SUBSTANTIVE