

FOR THE DEATH OF A SPOUSE OR MINOR CHILD, THE DAMAGES AWARDED UNDER SUBSECTION (C) ARE NOT LIMITED OR RESTRICTED BY THE "PECUNIARY LOSS" OR "PECUNIARY BENEFIT" RULE BUT MAY INCLUDE DAMAGES FOR MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF SOCIETY, COMPANIONSHIP, COMFORT, PROTECTION, MARITAL CARE, PARENTAL CARE, FILIAL CARE, ATTENTION, ADVICE, COUNSEL, TRAINING, GUIDANCE, OR EDUCATION WHERE APPLICABLE.

(E) RESTRICTION TO ONE ACTION UNDER THIS SUBTITLE.

ONLY ONE ACTION UNDER THIS SUBTITLE LIES IN RESPECT TO THE DEATH OF A PERSON.

(F) ACTION TO COMMENCE WITHIN THREE YEARS.

AN ACTION UNDER THIS SUBTITLE SHALL BE FILED WITHIN THREE YEARS AFTER THE DEATH OF THE INJURED PERSON.

REVISOR'S NOTE: The provision which appears in subsection (c) of the draft does not contain the reference to jury trial because it is misleading. A wrongful death case can be tried either with or without a jury. Also the phrase "after deducting the costs are recovered from the defendant" is deleted as meaningless. In practice the verdict simply apportions gross recovery.

Subsection (d) contains provisions which presently appear in §74(b). The revisor has considered incorporating the "pecuniary loss" rule into the statute. The rule has been defined in B. & O. R.R. Co. v. State, use of Mahone, 63 Md. 135, (1885); Hutzell v. Boyer, 252 Md. 227, (1969); United States v. Guyer, 218 F. 2d. 266, 268 (4th Cir. 1954); State ex rel Parr v. Board of County Commissioners, 207 Md. 91, (1955), and preamble clauses to Ch. 353, Acts of 1969. Although placing the pecuniary loss rule in statutory form would be consistent with the general policy of code revision, an exception is made. The rule has been interpreted by courts for many years, and not always identically. An effort to codify the rule could result in its inadvertent modification. If the rule is