

damages for the death of -a- an unmarried child who is not a minor under certain circumstances; and generally relating to the recovery of damages under the Wrongful Death Act.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 3-901(b) and 3-904
Annotated Code of Maryland
(1980 Replacement Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

3-901.

(b) "Child" [includes an illegitimate child] MEANS A LEGITIMATE OR AN ILLEGITIMATE CHILD.

3-904.

(a) An action under this subtitle shall be for the benefit of the wife, husband, parent, and child of the deceased person.

(b) If there are no persons who qualify under subsection (a), an action shall be for the benefit of any person related to the deceased person by blood or marriage who was wholly dependent upon the deceased.

(c) In an action under this subtitle, damages may be awarded to the beneficiaries proportioned to the injury resulting from the wrongful death. The amount recovered shall be divided among the beneficiaries in shares directed by the verdict.

(d) For the death of a spouse, minor child, or parent of a 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) FOR THE DEATH OF -A- AN UNMARRIED CHILD, WHO IS NOT A 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, CARE, ATTENTION, ADVICE, COUNSEL, TRAINING, OR GUIDANCE WHERE APPLICABLE IF: