

CHAPTER 318

(House Bill 770)

AN ACT concerning

Wrongful Death – Damages

FOR the purpose of establishing that a beneficiary may be entitled to noneconomic damages in a wrongful death action for the death of a child or certain parents of a child who is not a minor child; revoking certain conditions required to entitle certain beneficiaries to noneconomic damages in a wrongful death action; altering the method by which a court is required to allocate noneconomic damages in a wrongful death action in which there are two or more claimants or beneficiaries if the jury awards an amount that exceeds the statutory limit; altering the extent to which a certain person must have been dependent upon the deceased in order to be entitled to damages in a wrongful death action; ~~establishing certain circumstances that may be used to show that an unmarried parent of a deceased child is the father of the child for purposes of recovering damages in a wrongful death action;~~ specifying a certain time period for determining certain support; providing a tolling provision for certain persons in a wrongful death action under certain circumstances; making certain stylistic and technical changes; defining certain terms; providing for the application of this Act; and generally relating to wrongful death actions.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3-904, 5-201, and 11-108

Annotated Code of Maryland

(1995 Replacement Volume and 1996 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

3-904.

(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] SUBSTANTIALLY dependent upon the deceased.

(c) (1) In an action under this subtitle, damages may be awarded to the beneficiaries proportioned to the injury resulting from the wrongful death.

(2) SUBJECT TO § 11-108(D)(2) OF THIS ARTICLE, THE amount recovered shall be divided among the beneficiaries in shares directed by the verdict.