

certain terms; providing for the application of this Act; and generally relating to the allocation of noneconomic damages in a wrongful death action 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.

~~(d) For the death of a spouse, minor child, or parent of a minor child, the~~

(D) 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 FOR THE DEATH OF:

(1) A SPOUSE;

(2) A MINOR CHILD;

(3) A PARENT OF A MINOR CHILD; OR

(4) AN UNMARRIED CHILD WHO IS NOT A MINOR CHILD IF:

(I) THE CHILD IS 21 YEARS OLD OR YOUNGER; OR

(II) A PARENT CONTRIBUTED 50 PERCENT OR MORE OF THE CHILD'S SUPPORT WITHIN THE 12-MONTH PERIOD IMMEDIATELY BEFORE THE DATE OF DEATH OF THE CHILD.

(e) For the death of [an unmarried] A child, who is not a ~~minor child~~ DESCRIBED UNDER SUBSECTION (D) OF THIS SECTION, OR A PARENT OF A CHILD,