

SECOND REGULAR SESSION

HOUSE BILL NO. 2164

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLAN.

4482H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 537.080, RSMo, and to enact in lieu thereof one new section relating to wrongful death actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 537.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.080, to read as follows:

537.080. 1. Whenever the death of a person results from any act, conduct, occurrence, transaction, or circumstance which, if death had not ensued, would have entitled such person to recover damages in respect thereof, the person or party who, or the corporation which, would have been liable if death had not ensued shall be liable in an action for damages, notwithstanding the death of the person injured, which damages may be sued for:

(1) By the spouse or children or the surviving lineal descendants of any deceased children, natural or adopted, legitimate or illegitimate, or by the father or mother of the deceased, natural or adoptive;

(2) If there be no persons in class (1) entitled to bring the action, then by the brother or sister of the deceased, or their descendants, who can establish his or her right to those damages set out in section 537.090 because of the death. **The provisions of this subdivision shall apply regardless of whether the father or mother of the deceased had his or her parental rights terminated;**

(3) If there be no persons in class (1) or (2) entitled to bring the action, then by a plaintiff ad litem. Such plaintiff ad litem shall be appointed by the court having jurisdiction over the action for damages provided in this section upon application of some person entitled to share in the proceeds of such action. Such plaintiff ad litem shall be some suitable person

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 competent to prosecute such action and whose appointment is requested on behalf of those
19 persons entitled to share in the proceeds of such action. Such court may, in its discretion,
20 require that such plaintiff ad litem give bond for the faithful performance of his duties.

21 2. Only one action may be brought under this section against any one defendant for
22 the death of any one person.

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