

SECOND REGULAR SESSION

SENATE BILL NO. 803

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3517S.011

AN ACT

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

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Section A. Section 537.080, RSMo, is repealed and one new section
2 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,
2 occurrence, transaction, or circumstance which, if death had not ensued, would
3 have entitled such person to recover damages in respect thereof, the person or
4 party who, or the corporation which, would have been liable if death had not
5 ensued shall be liable in an action for damages, notwithstanding the death of the
6 person injured, which damages may be sued for:

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

10 (2) If there be no persons in class (1) entitled to bring the action, then by
11 the brother or sister of the deceased, or their descendants, who can establish his
12 or her right to those damages set out in section 537.090 because of the death;

13 (3) If there be no persons in class (1) or (2) entitled to bring the action,
14 then by a plaintiff ad litem. Such plaintiff ad litem shall be appointed by the
15 court having jurisdiction over the action for damages provided in this section
16 upon application of some person entitled to share in the proceeds of such
17 action. Such plaintiff ad litem shall be some suitable person competent to
18 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
20 discretion, require that such plaintiff ad litem give bond for the faithful

21 performance of his duties.

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

24 **3. If a person has been injured by an event which later causes his**
25 **or her death and during his or her lifetime the person brought an**
26 **action based on the event that resulted in a judgment on the merits, or**
27 **if the injured person settled or released any claims related to the event**
28 **prior to death, then any action under this section shall be precluded**
29 **against any defendant involved in the prior suit, settlement, or release.**

Unofficial ✓

Bill

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