IN THE HOUSE BY LEGISLATIVE COUNCIL

HOUSE BILL NO. 10

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-THIRD SESSION

A BILL

For an Act entitled: "An Act to amend Sec. 61-7-3, ACLA 1949, as amended by Ch. 89, SLA 1949, as amended by Ch. 153, SLA 1955, relating to actions for wrongful death; and establishing an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. That Sec. 61-7-3, ACLA 1949, as amended by Ch. 89, SLA 1949, as amended by Ch. 153, SLA 1955, be and it is hereby amended to read as follows:

Sec. 61-7-3. ACTION FOR WRONGFUL DEATH: DISPOSITION OF AMOUNT RECOVERED. When the death of a person is caused by wrongful act or omission of another, the personal representatives of the former may maintain an action therefore against the latter, if the former might have maintained an action, had he lived, against the latter for an injury done by the same act or omission. Such action shall be commenced within two years after the death, and the damages therein shall not exceed fifty thousand dollars, and the amount recovered, if any, shall be exclusively for the benefit of the decedent's husband or wife and children when he or she leaved a husband, wife or children, him or her surviving; and when he or she

leaves no husband, wife or children, him or her surviving, the amount recovered shall be administered as other personal property of the deceased person /OR LEAVING NO HUSBAND, WIFE OR CHILDREN SURVIVING THEN AND IN THAT EVENT, FOR THE BENEFIT PER CAPITA OF THE CHILD OR CHILDREN OF THE DECEDENT'S CHILD OR CHILDREN, IF ANY, AND THE SURVIVING PARENT OR PARENTS OF THE DECEDENT/. When the Plaintiff prevails, the trial court shall determine the allowable costs and expenses of the action and may, in its discretion, require notice and hearing thereon. The amount recovered shall be distributed only after payment of all costs and expenses of suit and debts and expenses of administration.

The damages recoverable under this Act shall be limited to those which are the natural and proximate consequence of the negligent or wrongful act or omission of another.

In fixing the amount of damages to be awarded under this Act, the Court or jury shall consider all the facts and circumstances and from them fix the award at such sum as will fairly compensate for the injury resulting from the death. In determining the amount of the award, the Court or jury shall consider but is not limited to the following:

(1) Deprivation of the expectation of pecuniary benefits to the beneficiary or beneficiaries, without regard to age thereof, that would have resulted from the continued life of the deceased and without regard to probable accumulations or what the deceased may have

served during his lifetime.

(2) Loss of contributions for support.

(3) Loss of assistance or services irrespective of age or relationship of decedent to the beneficiary or beneficiaries.

(4) Loss of concortium.

(5) Loss of prospective training and education.

(6) Medical and funeral expenses.

The death of a beneficiary or beneficiaries before judgment shall not affect the amount of damages recoverable hereunder.

The right of action hereby granted shall not be abated by the death of a person named or to be named the defendant.

Sec. 2. This Act shall take immediate effect and be in force from and after its passage and approval or upon its becoming law without such approval, and it is so enacted.