

1 IN THE HOUSE

BY MESSRS. GREUEL AND RELEY  
BY REQUEST

2 HOUSE BILL NO. 10

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act to amend Sec. 61-7-3, ACLA 1949, as  
7 amended, by Ch. 39, SLA 1949, as amended by  
8 Ch. 153, SLA 1955, relating to actions for  
9 wrongful death."

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

11 Section 1. That Sec. 61-7-3, ACLA, 1949, as amended by  
12 Ch. 39, SLA 1949, as amended by Ch. 153, SLA 1955, be and it is  
13 hereby amended to read as follows:

14 Sec. 61-7-3. ACTION FOR WRONGFUL DEATH: DISPOSITION  
15 OF AMOUNT RECOVERED. When the death of a person is caused  
16 by the wrongful act or omission of another, the personal  
17 representatives of the former may maintain an action  
18 therefore against the latter, if the former might have  
19 maintained an action, had he lived, against the latter  
20 for an injury done by the same act or omission. Such  
21 action shall be commenced within two years after the  
22 death, and the damages therein shall not exceed fifty  
23 thousand dollars, and the amount recovered, if any, shall  
24 be exclusively for the benefit of the decedent's husband  
25 or wife and children when he or she leaves a husband, wife  
26 or children, him or her surviving; and when he or she  
27 leaves no husband, wife or children, him or her surviving,  
28 the amount recovered shall be administered as other non-  
29 real property of the deceased person /OR LEAVING NO HUSBAND,

1 WIFE OR CHILDREN SURVIVING THEN AND IN THAT EVENT, FOR  
2 THE BENEFIT PER CAPITA OF THE CHILD OR CHILDREN OF  
3 THE DECEDENT'S CHILD OR CHILDREN, IF ANY, AND THE SURVIVING  
4 PARENT OR PARENTS OF THE DECEDENT<sup>7</sup>. When the Plaintiff  
5 prevails, the trial court shall determine the allowable  
6 costs and expenses of the action and may, in its discretion,  
7 require notice and hearing thereon. The amount recovered  
8 shall be distributed only after payment of all costs and  
9 expenses of suit and debts and expenses of administration.

10 The damages recoverable under this Act shall be lim-  
11 ited to those which are the natural and proximate conse-  
12 quence of the negligent or wrongful act or omission of  
13 another.

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

21 (1) Deprivation of the expectation of pecuniary  
22 benefits to the beneficiary or beneficiaries, without  
23 regard to age thereof, that would have resulted from the  
24 continued life of the deceased and without regard to  
25 probable accumulations or what the deceased may have  
26 saved during his lifetime.

27 (2) Loss of contributions for support.

28 (3) Loss of assistance or services irrespective of  
29 age or relationship of decedent to the beneficiary or

1 beneficiaries.

2 (A) Loss of consortium.

3 (B) Loss of prospective training and education.

4 (C) Medical and funeral expenses.

5 The death of a beneficiary or beneficiaries before  
6 judgment shall not affect the amount of damages recover-  
7 able hereunder.

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