

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S1/11/01 H3/30/01

A Bill

Act 1581 of 2001
SENATE BILL 58

5 By: Senators Beebe, Cash
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For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS WRONGFUL DEATH
10 STATUTE TO CLARIFY THE LIST OF BENEFICIARIES TO
11 INCLUDE PERSONS REGARDLESS OF AGE TO WHOM THE
12 DECEASED STOOD IN LOCO PARENTIS AT ANY TIME
13 DURING THE LIFE OF THE DECEASED; AND FOR OTHER
14 PURPOSES.

Subtitle

15
16 TO AMEND THE ARKANSAS WRONGFUL DEATH
17 STATUTE TO CLARIFY THE LIST OF
18 BENEFICIARIES TO INCLUDE PERSONS
19 REGARDLESS OF AGE TO WHOM THE DECEASED
20 STOOD IN LOCO PARENTIS AT ANY TIME
21 DURING THE LIFE OF THE DECEASED.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code 16-62-102(d), pertaining to wrongful death
28 actions, is amended to read as follows:

29 (d) The beneficiaries of the action created in this section are:
30 (1) the The surviving spouse, children, father and mother,
31 brothers and sisters of the deceased person;
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33 (2) persons Persons, regardless of age, standing in loco parentis
34 to the deceased person; and

35 (3) persons Persons, regardless of age, to whom the deceased stood
36 in loco parentis at any time during the life of the deceased.

1 Section 2. Arkansas Code 16-62-102 is amended to add an additional
2 subsection to read as follows:

3 (i) It is not the responsibility of the personal representative of a
4 deceased person to locate anyone in loco parentis that is not known to the
5 personal representative to be in loco parentis to the deceased person.

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7 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly that under current interpretation of present law certain persons who
9 were financially dependent on a deceased person are, because of age, excluded
10 from being the beneficiary of a wrongful death action; that the current
11 interpretation is inequitable; that this act cures the inequity; and that this
12 act should go into effect as soon as possible so that such persons hereafter
13 will be included as beneficiaries of any wrongful death claim. Therefore, an
14 emergency is declared to exist and this act being immediately necessary for
15 the preservation of the public peace, health and safety shall become effective
16 on the date of its approval by the Governor. If the bill is neither approved
17 nor vetoed by the Governor, it shall become effective on the expiration of the
18 period of time during which the Governor may veto the bill. If the bill is
19 vetoed by the Governor and the veto is overridden, it shall become effective
20 on the date the last house overrides the veto.

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22 /s/ Beebe

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25 APPROVED: 4/13/2001