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.

A Bill       Act 1581 of 200         3 Regular Session, 2001       SENATE BILL         4       5         5       By: Senators Beebe, Cash         6       6         7       6         8       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.         15       11         16       Subtite         17       TO AMEND THE ARKANSAS WRONGFUL DEATH         18       STATUTE TO CLARIFY THE LIST OF         19       BENEFICIARIES TO INCLUDE PERSONS         20       REGARDLESS OF AGE TO WHOM THE DECEASED         21       STOOD IN LOCO PARENTIS AT ANY TIME         22       DURING THE LIFE OF THE DECEASED.         23       STOOD IN LOCO PARENTIS AT ANY TIME         24       DURING THE LIFE OF THE DECEASED.         25       BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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5       By: Senators Beebe, Cash         6         7         8       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.         15       TO AMEND THE ARKANSAS WRONGFUL DEATH         18       STATUTE TO CLARIFY THE LIST OF         19       BENEFICIARIES TO INCLUDE PERSONS         20       REGARDLESS OF AGE TO WHOM THE DECEASED         21       DURING THE LIFE OF THE LIST OF         22       DURING THE LIFE OF THE DECEASED         23       STOOD IN LOCO PARENTIS AT ANY TIME         24       DURING THE LIFE OF THE DECEASED         25       BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS
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24 25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26
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 <u>(1) the The</u> surviving spouse, children, father and mother,
brothers and sisters of the deceased person $\frac{1}{r}$
32 (2) persons <u>Persons</u> , regardless of age, standing in loco parentie
<ul> <li>to the deceased person, <u>;</u> and</li> <li>(3) persons Persons, regardless of age, to whom the deceased store</li> </ul>
34 <u>(3) persons Persons, regardless of age,</u> to whom the deceased stor 35 in loco parentis <u>at any time during the life of the deceased</u> .
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**SB58** 

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.
6	
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
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