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	As Engrossed: S1/11/01 H3/30/01 A Bill			
2	83rd General Assembly	A DIII	CENIATE DILI	50	
3	Regular Session, 2001		SENATE BILL	38	
4 5	By: Senators Beebe, Cash				
6	by. Schators beebe, Cash				
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	DECEASE	ED STOOD IN LOCO PARENTIS AT ANY TIME			
13	DURI NG	THE LIFE OF THE DECEASED; AND FOR OTHER			
14	PURPOSE	ES.			
15					
16		Subtitle			
17	TO A	MEND THE ARKANSAS WRONGFUL DEATH			
18	STAT	TUTE TO CLARIFY THE LIST OF			
19	BENE	FICIARIES TO INCLUDE PERSONS			
20	REGARDLESS OF AGE TO WHOM THE DECEASED				
21	STOOD IN LOCO PARENTIS AT ANY TIME				
22	DURI	NG THE LIFE OF THE DECEASED.			
23					
24					
25	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANSAS	S:		
26					
27		ansas Code 16-62-102(d), pertaining to w	rongful death		
28	actions, is amended t				
29		ciaries of the action created in this sec	—		
30		<u>he</u> surviving spouse, children, father and	d mother,		
31	brothers and sisters of the deceased person $\frac{1}{r_{\perp}}$				
32	(2) persons <u>Persons</u> , regardless of age, standing in loco parentis				
33	to the deceased person, <u>;</u> and				
34 25		ns <u>Persons, regardless of age,</u> to whom th	ne deceased st	ood	
35	in loco parentis <u>at a</u>	ny time during the life of the deceased.			
36					



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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