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SENATE BILL 5077

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Vognild

Read first time 01/12/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to survival of actions and damages; and amending  
2 RCW 4.20.046.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.20.046 and 1961 c 137 s 1 are each amended to read  
5 as follows:

6 (1) All causes of action by a person or persons against another  
7 person or persons shall survive to the personal representatives of the  
8 former and against the personal representatives of the latter, whether  
9 such actions arise on contract or otherwise, and whether or not such  
10 actions would have survived at the common law or prior to the date of  
11 enactment of this section: PROVIDED, HOWEVER, That ((no)) the personal  
12 representative shall only be entitled to recover damages for pain and  
13 suffering, anxiety, emotional distress, or humiliation personal to and  
14 suffered by a deceased on behalf of those beneficiaries enumerated in  
15 RCW 4.20.020, and such damages are recoverable regardless of whether or  
16 not the death was occasioned by the injury that is the basis for the  
17 action. The liability of property of a husband and wife held by them  
18 as community property to execution in satisfaction of a claim  
19 enforceable against such property so held shall not be affected by the

1 death of either or both spouses; and a cause of action shall remain an  
2 asset as though both claiming spouses continued to live despite the  
3 death of either or both claiming spouses.

4 (2) Where death or an injury to person or property, resulting from  
5 a wrongful act, neglect or default, occurs simultaneously with or after  
6 the death of a person who would have been liable therefor if his death  
7 had not occurred simultaneously with such death or injury or had not  
8 intervened between the wrongful act, neglect or default and the  
9 resulting death or injury, an action to recover damages for such death  
10 or injury may be maintained against the personal representative of such  
11 person.

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