

Senate Study Bill 1189

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to damages recoverable for the wrongful or
2 negligent injury or death of a spouse or parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1737SC 83
5 rh/rj/5

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1 1 Section 1. Section 613.15, Code 2009, is amended to read
1 2 as follows:
1 3 613.15 INJURY OR DEATH OF SPOUSE OR PARENT == MEASURE OF
1 4 RECOVERY.
1 5 1. In any action for damages because of the wrongful or
1 6 negligent injury or death of a ~~woman spouse or parent~~, there
1 7 shall be no disabilities or restrictions, and ~~recovery may be~~
1 8 ~~had on account thereof in the same manner as in cases of~~
1 9 ~~damage because of the wrongful or negligent injury or death of~~
1 10 ~~a man. In addition she, or her administrator for her estate,~~
1 11 ~~the surviving spouse or child, including an adult child, may~~
1 12 ~~recover for physician's services, nursing and hospital~~
1 13 ~~expense, and in the case of both women and men, such person,~~
1 14 ~~or the appropriate administrator, may recover expenses, the~~
1 15 ~~value of services and support as spouse or parent, or both, as~~
1 16 ~~the case may be, and the decedent's loss of enjoyment of life,~~
1 17 ~~in such sum as the jury deems proper; provided, however,~~
1 18 ~~recovery for these elements of damage may not be had by the~~
1 19 ~~spouse and children, as such, child of any person who, or~~
1 20 ~~whose administrator, is entitled to recover same.~~
1 21 2. For purposes of this section:
1 22 a. "Loss of enjoyment of life" includes but is not limited
1 23 to the value of life itself and is measured separate from the
1 24 economic productive value the decedent would have had.
1 25 b. "Services and support" includes but is not limited to
1 26 the expense and actual loss of financial support and
1 27 companionship including the loss of counsel, guidance, advice,
1 28 assistance, and protection.

EXPLANATION

1 29 This bill relates to damages recoverable for the wrongful
1 30 or negligent injury or death of a spouse or parent.
1 31 The bill provides that in any action for damages because of
1 32 the wrongful or negligent injury or death of a spouse or
1 33 parent, the surviving spouse or child, including an adult
1 34 child, may recover damages for the value of physician's
2 1 services; nursing and hospital expenses; lost services and
2 2 support, defined to include but not be limited to the expense
2 3 and actual loss of financial support and companionship
2 4 including the loss of counsel, guidance, advice, assistance,
2 5 and protection; and the decedent's loss of enjoyment of life.
2 6 "Loss of enjoyment of life" includes but is not limited to the
2 7 value of life itself and is measured separate from the
2 8 economic productive value the decedent would have had.
2 9 LSB 1737SC 83
2 10 rh/rj/5.1