

Senate Bill No. 449

CHAPTER 13

An act to amend Section 377.60 of the Code of Civil Procedure, relating to wrongful death, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1997. Filed with
Secretary of State May 23, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 449, Sher. Wrongful death: standing to sue.

Existing law provides for the standing of parties in actions for wrongful death, as specified.

This bill would state that this existing law applies to any cause of action arising on or after January 1, 1993, and that the intent of the Legislature was not to adversely affect the standing of parties in certain actions for wrongful death.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 377.60 of the Code of Civil Procedure is amended to read:

377.60. A cause of action for the death of a person caused by the wrongful act or neglect of another may be asserted by any of the following persons or by the decedent's personal representative on their behalf:

(a) The decedent's surviving spouse, children, and issue of deceased children, or, if there is no surviving issue of the decedent, the persons, including the surviving spouse, who would be entitled to the property of the decedent by intestate succession.

(b) Whether or not qualified under subdivision (a), if they were dependent on the decedent, the putative spouse, children of the putative spouse, stepchildren, or parents. As used in this subdivision, "putative spouse" means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid.

(c) A minor, whether or not qualified under subdivision (a) or (b), if, at the time of the decedent's death, the minor resided for the previous 180 days in the decedent's household and was dependent on the decedent for one-half or more of the minor's support.

(d) This section applies to any cause of action arising on or after January 1, 1993.



(e) The addition of this section by Chapter 178 of the Statutes of 1992 was not intended to adversely affect the standing of any party having standing under prior law, and the standing of parties governed by that version of this section as added by Chapter 178 of the Statutes of 1992 shall be the same as specified herein as amended by Chapter 563 of the Statutes of 1996.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to clarify the intent of the Legislature with respect to the standing of parties in certain actions for wrongful death, it is necessary that this act take effect immediately.

