

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

CHAPTER 212

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

HOUSE BILL 2374

AN ACT

AMENDING SECTION 12-612, ARIZONA REVISED STATUTES; RELATING TO WRONGFUL DEATH ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-612, Arizona Revised Statutes, is amended to
3 read:

4 12-612. Parties plaintiff; recovery; distribution;
5 disqualification

6 A. An action for wrongful death shall be brought by and in the name of
7 the surviving husband or wife, child, parent or guardian, or personal
8 representative of the deceased person for and on behalf of the surviving
9 husband or wife, children or parents, or if none of these survive, on behalf
10 of the decedent's estate.

11 B. Either parent may maintain the action for the death of a child, and
12 the guardian may maintain the action for the death of the guardian's ward.

13 C. The amount recovered in an action for wrongful death shall be
14 distributed to the parties provided for in subsection A OF THIS SECTION in
15 proportion to their damages, and if recovery is on behalf of the decedent's
16 estate the amount shall be an asset of the estate.

17 D. IF ANY PARTY LISTED IN SUBSECTION A OF THIS SECTION IS FOUND GUILTY
18 OF OR GUILTY EXCEPT INSANE FOR, OR PLED GUILTY OR NO CONTEST TO, A VIOLATION
19 OF SECTION 13-3623 INVOLVING THE DEATH OF THE CHILD DECEDENT OR A VIOLATION
20 OF SECTION 13-1103, 13-1104 OR 13-1105 INVOLVING THE DEATH OF THE DECEDENT,
21 THE PARTY IS DEEMED TO HAVE PREDECEASED THE DECEDENT AND IS DISQUALIFIED FROM
22 RECOVERING WRONGFUL DEATH BENEFITS. THIS SUBSECTION APPLIES TO A PERSON WHO
23 IS FOUND GUILTY OF OR GUILTY EXCEPT INSANE FOR, OR PLED GUILTY OR NO CONTEST
24 TO, AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT HAS THE SAME ELEMENTS
25 OF AN OFFENSE LISTED IN THIS SUBSECTION AND THAT IF COMMITTED IN THIS STATE
26 WOULD BE A VIOLATION OF ANY OF THE OFFENSES LISTED IN THIS SUBSECTION.

27 ~~D.~~ E. For the purposes of subsection A OF THIS SECTION, "personal
28 representative" includes any person to whom letters testamentary or of
29 administration are granted by competent authority under the laws of this or
30 any other state. The personal representative may maintain the action for
31 wrongful death without the issuance of further letters or any other
32 requirement or authorization of law.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House March 10, 20 15

Passed the Senate March 31, 20 15

by the following vote: 59 Ayes,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

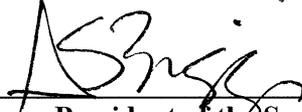
0 Nays, 1 Not Voting



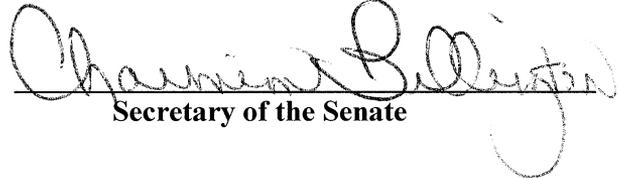
Speaker of the House

Pro Tempore


Chief Clerk of the House



President of the Senate

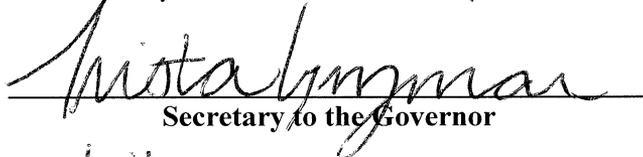

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of April, 20 15

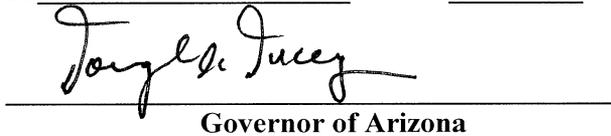
at 11:19 o'clock A. M.


Secretary to the Governor

Approved this 6th day of

April

at 2:26 o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of April, 20 15

at 8:30 o'clock A. M.


Secretary of State

H.B. 2374