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BILL ANALYSIS



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Senate Bill 1159 (as introduced 11-26-24)
Sponsor: Senator Jeff Irwin
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-9-24

CONTENT

The bill would amend Section 2922 of the Revised Judicature Act to specify that a court could award *past and future* damages, including the loss of financial support or earning capacity, in the case of a person's death as a result of a wrongful act or negligence.

Specifically, Section 2922 establishes a person's liability if the person caused by wrongful act or negligence the death of a person, injuries resulting in death, or a miscarriage or stillbirth. An action against a liable person for damages under Section 2922 must be brought by and in the name of the personal representative of the estate of the deceased person, and the damages awarded by a court must be awarded to individuals who survived the deceased or the deceased's estate as prescribed by Section 2922.

Currently, the court or jury may award damages as either considers fair and equitable under all the circumstances. These damages may include reasonable medical, hospital, funeral, and burial expenses and reasonable compensation for pain and suffering, among other things. Under the bill, the court or jury could award *past and future* damages as either considered fair and equitable under all the circumstances. The bill would add the following to the specific list of damages that could be awarded under Section 2922:

- Damages for any loss of financial support for dependents or individuals specified by Section 2922 as surviving the deceased.
- Damages for the deceased's lost earning capacity and, if the deceased were an unemancipated minor, damages for loss of earning capacity the deceased would have sustained after reaching the age of 14.
- Damages for the loss of the deceased's household services.

MCL 600.2922

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local courts.

Fiscal Analyst: Michael Siracuse

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