



**SENATE SUBSTITUTE AMENDMENT 3,
TO 1997 SENATE BILL 148**

March 12, 1998 – Offered by Senators CLAUSING and JAUCH.

1 **AN ACT** *to amend* 655.007 and 895.04 (4); and *to create* 655.016 of the statutes;
2 **relating to:** wrongful death claims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 655.007 of the statutes is amended to read:

4 **655.007 Patients' claims.** On and after July 24, 1975, any patient or the
5 patient's representative having a claim or any spouse, parent, minor sibling or child
6 of the patient having a derivative claim for injury or death on account of malpractice
7 is subject to this chapter.

8 **SECTION 2.** 655.016 of the statutes is created to read:

9 **655.016 Claim by minor sibling for loss of society and companionship.**
10 Subject to s. 655.017, a sibling of a person who dies as a result of malpractice has a
11 cause of action for damages for loss of society and companionship if the sibling was

1 a minor at the time of the deceased sibling's death. This section does not affect any
2 other claim available under this chapter.

3 **SECTION 3.** 895.04 (4) of the statutes is amended to read:

4 895.04 (4) Judgment for damages for pecuniary injury from wrongful death
5 may be awarded to any person entitled to bring a wrongful death action. Additional
6 damages not to exceed ~~\$150,000~~ \$500,000 in the case of a deceased minor, or \$350,000
7 in the case of a deceased adult, for loss of society and companionship may be awarded
8 to the spouse, children or parents of the deceased, or to the siblings of the deceased,
9 if the siblings were minors at the time of the death.

10 **SECTION 4. Initial applicability.**

11 (1) This act first applies to actions commenced on the effective date of this
12 subsection.

13 (END)