

State of Wisconsin



1997 Senate Bill 148

Date of enactment: **April 13, 1998**
Date of publication*: **April 27, 1998**

1997 WISCONSIN ACT 89

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

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

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

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

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

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

sibling's death. This section does not affect any other claim available under this chapter.

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

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

SECTION 4. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].