

1971 Assembly Bill 49

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CHAPTER 59, Laws of 1971

AN ACT to amend 895.04 (3), (4), (5) and (7) of the statutes, relating to the elimination of limitations on judgments in wrongful death actions.

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

895.04 (3), (4), (5) and (7) of the statutes are amended to read:

895.04 (3) If separate actions are brought for the same wrongful death, they shall be consolidated on motion of any party. Unless such consolidation is so effected that a single judgment ~~within the limits hereinafter provided~~ may be entered protecting the ~~defendant or~~ all defendants and so that satisfaction of such judgment shall extinguish all liability for the wrongful death, no action shall be permitted to proceed except that of the personal representative.

(4) Judgment for damages for pecuniary injury from wrongful death shall ~~not exceed \$35,000. Additional and additional~~ damages not to exceed \$5,000 for loss of society and companionship, may be awarded to the spouse, unemancipated or dependent children or parents of the deceased. ~~If the decedent leaves a dependent child under 21 years of age, the above maximum limit for pecuniary loss recoverable shall be increased \$2,000 on account of each such child but not exceeding a total increase of \$10,000.~~

(5) If the personal representative brings the action, he may also recover the reasonable cost of funeral expenses, including the reasonable cost of a cemetery lot, grave marker and perpetual care of ~~such the lot, not exceeding \$2,000.~~ If a relative brings the action, he may recover such funeral expenses on behalf of himself or of any relative specified in this section who has paid or assumed liability for such expenses.

(7) Damages found by a jury in excess of ~~either the~~ maximum amount specified ~~above in sub. (4)~~ shall be reduced by the court to such maximum. The aggregate of such ~~maximum amounts~~ the damages covered by subs. (4) and (5) shall be diminished under s. 895.045 if the deceased or person entitled to recover is found negligent.