

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 215  
SENATE BILL 95

1 AN ACT TO REWRITE G.S. 28-174. RELATING TO DAMAGES RECOVERABLE FOR  
2 DEATH BY WRONGFUL ACT.

3  
4 WHEREAS, human life is inherently valuable; and

5 WHEREAS, the present statute is so written and construed that damages  
6 recoverable from a person who has caused death by a wrongful act are effectually limited to  
7 such figure as can be calculated from the expected earnings of the deceased, which is far from  
8 an adequate measure of the value of human life; Now, therefore,

9  
10 The General Assembly of North Carolina do enact:

11  
12 **Section 1.** G.S. 28-174 is hereby rewritten to read as follows:

13 **"Sec. 28-174. Damages recoverable for death by wrongful act; evidence of damages.** (a)  
14 Damages recoverable for death by wrongful act include:

- 15 (1) Expenses for care, treatment and hospitalization incident to the injury  
16 resulting in death.  
17 (2) Compensation for pain and suffering of the decedent.  
18 (3) The reasonable funeral expenses of the decedent.  
19 (4) The present monetary value of the decedent to the persons entitled to receive  
20 the damages recovered, including but not limited to compensation for the  
21 loss of the reasonably expected:  
22 (i) Net income of the decedent,  
23 (ii) Services, protection, care and assistance of the decedent, whether  
24 voluntary or obligatory, to the persons entitled to the damages  
25 recovered,  
26 (iii) Society, companionship, comfort, guidance, kindly offices and  
27 advice of the decedent to the persons entitled to the damages  
28 recovered.  
29 (5) Such punitive damages as the decedent could have recovered had he  
30 survived, and punitive damages for wrongfully causing the death of the  
31 decedent through maliciousness, wilful or wanton injury, or gross  
32 negligence.  
33 (6) Nominal damages when the jury so finds.

34 "(b) All evidence which reasonably tends to establish any of the elements of dam- ages  
35 included in subsection (a), or otherwise reasonably tends to establish the present monetary  
36 value of the decedent to the persons entitled to receive the damages recovered, is admissible in  
37 an action for damages for death by wrongful act."

38 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

39 **Sec. 3.** This Act shall not apply to litigation pending on its effective date.

40 **Sec. 4.** This Act shall become effective upon ratification.

41 In the General Assembly read three times and ratified, this the 14th day of April,

42 1969.