



Please Oppose E3SHB 1873 – Expanding Damages for Wrongful Death

E3SHB 1873 represents a substantial expansion to the number of people who may file a claim, and the damages for which they may seek redress. It is expected to considerably increase the costs to public entities, yet no policy objectives have been expressed in its favor.

The loss of a loved one is a terrible event, and the current law allows for the compensation to parents in the event of a minor child's death or the death of an adult child if the parent is financially dependent. However, this bill expands payouts in the death of a "child" to parents, regardless of the child's age, if the parent had significant involvement in the decedent's life. It also allows the beneficiary of the decedent's life insurance policy to file a claim if he or she has had significant involvement in the decedent's life. Additionally, it allows beneficiaries to collect both economic and non-economic damages. Finally, it allows recovery for both pain and suffering on behalf of the decedent AND loss of the relationship with the decedent on behalf of surviving beneficiaries – essentially paying the beneficiaries twice for the same element of damage.

Estimating costs is a challenge because there are so many unknowns. However as an example, using their experience with estate claims that are allowed under current law and compared those with cases that were settled in which both types of damages were paid, as would be allowed under this proposal, **the Association of Washington Cities Risk Management Services Agency estimated \$2 million per case.** These estimates were calculated for a similar change in **ESHB 1873**, but **E3SHB 1873** would apply to even a greater number expanded claims and potential claimants.

This bill is also retroactive, applying to "claims" filed on or after the effective date rather than "deaths." This will further expand the number of claims that may be filed. No attempt to estimate these new damages has been made.

These figures do not include the additional **\$1.25 million per case** estimated on behalf of the state by the Attorney General's Office in their 2007 fiscal note for **ESHB 1873**.