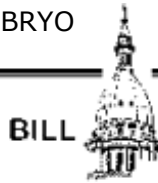




Senate Fiscal Agency  
P. O. Box 30036  
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**BILL ANALYSIS**

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House Bill 4777 (Substitute H-1 as reported without amendment)  
Sponsor: Representative William Van Regenmorter  
House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

The bill would amend the Revised Judicature Act (RJA) to allow a wrongful death action to be based on the death of an embryo or fetus caused by a person who committed a wrongful or negligent act against a pregnant woman. The bill also would require that a wrongful death action be brought by the personal representative of the deceased, rather than the deceased "person".

Under the RJA, whenever the death of a person or injuries resulting in death are caused by wrongful act, neglect, or fault of another, which would have entitled the injured party to maintain an action and recover damages had death not ensued, the person or corporation that would have been liable if the individual had not died is liable in an action for damages notwithstanding the death. The bill would include in this provision a death described in Section 2922a of the RJA. (That section provides that a person who commits a wrongful or negligent act against a pregnant woman is liable for damages if the act results in a miscarriage or stillbirth or physical injury to or the death of the embryo or fetus.)

In addition, the RJA requires that a wrongful death action "be brought by, and in the name of, the personal representative of the estate of the deceased person". The bill would delete "person" from that provision.

MCL 600.2922

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The fiscal impact of this legislation is indeterminate. To the extent that the bill would pave the way for an increase in civil suits, there could be an increase in costs to the courts, but it is difficult to predict. There are no data on how many lawsuits of this type are filed.

Date Completed: 11-14-05

Fiscal Analyst: Stephanie Yu