

HOUSE BILL NO. HB0115

Wrongful death-tolling of statutes of limitation.

Sponsored by: Representative(s) Greear and Stubson and
Senator(s) Nicholas, P.

A BILL

for

1 AN ACT relating to wrongful death claims; providing for
2 tolling of statutes of limitations upon filing of
3 appointment of wrongful death representative; and providing
4 for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 1-38-103(b)(ii) is amended to read:

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10 **1-38-103. Appointment of wrongful death**
11 **representative.**

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13 (b) The district court may appoint the wrongful death
14 representative at any time after the decedent's death. The
15 appointment shall be made in a separate action brought
16 solely for appointing the wrongful death representative. In

1 any action in which appointment of the wrongful death
2 representative is sought, any person claiming to qualify
3 under W.S. 1-38-104(a) may intervene as a matter of right.
4 After an action to appoint the wrongful death
5 representative is filed:

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7 (ii) If an action to appoint the wrongful death
8 representative is properly filed, the limitation period
9 under W.S. 1-38-102(d) and any other applicable limitation
10 periods shall be tolled from the time the action is filed
11 until thirty (30) days after an order appointing the
12 wrongful death representative is entered.

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14 **Section 2.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

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19

(END)