

229:2. Damages for Death by Negligence, etc.; General Provisions.

Section 2. A person who (1) by his negligence causes the death of
 a person, or (2) by willful, wanton or reckless act causes the death of
 a person under such circumstances that the deceased could have recovered
 damages for personal injuries if his death had not resulted, or (3)
 operates a common carrier of passengers and by his negligence causes
 the death of a passenger, or (4) operates a common carrier of passengers
 and by his willful, wanton or reckless act causes the death of a passenger
 under such circumstances that the deceased could have recovered dam-
 ages for personal injuries if his death had not resulted, or (5) is responsi-
 ble for a breach of warranty arising under Article 2 of chapter one
 hundred and six which results in injury to a person that causes death,
 shall be liable in damages in the amount of: (1) the fair monetary value
 of the decedent to the persons entitled to receive the damages recovered,
 as provided in section one, including but not limited to compensation
 for the loss of the reasonably expected net income, services, protection,
 care, assistance, society, companionship, comfort, guidance, counsel, and
 advice of the decedent to the persons entitled to the damages recovered;
 (2) the reasonable funeral and burial expenses of the decedent; (3) puni-
 tive damages in an amount of not less than five thousand dollars in such
 case as the decedent's death was caused by the malicious, willful, wanton
 or reckless conduct of the defendant or by the gross negligence of the
 defendant; except that (1) the liability of an employer to a person in
 his employment shall not be governed by this section, (2) a person operat-
 ing a railroad shall not be liable for negligence in causing the death of
 a person while walking or being upon such railroad contrary to law or
 to the reasonable rules and regulations of the carrier and (3) a person
 operating a street railway or electric railroad shall not be liable for negli-
 gence for causing the death of a person while walking or being upon
 that part of the street railway or electric railroad not within the limits
 of a highway. A person shall be liable for the negligence or the willful,
 wanton or reckless act of his agents or servants while engaged in his
 business to the same extent and subject to the same limits as he would
 be liable under this section for his own act. Damages under this section
 shall be recovered in an action of tort by the executor or administrator
 of the deceased. An action to recover damages under this section shall
 be commenced within three years from the date of death or within such
 time thereafter as is provided by section four, four B, nine or ten of
 chapter two hundred and sixty.

229:2A. Repealed, 1958, 238, Sec. 2.

229:2B. Damages for Death of Employee by Negligence, etc., of Employer,
 etc.

Section 2B. Except as otherwise provided in chapter one hundred and
 fifty-two, if, as the result of the negligence of an employer himself, or