

HOUSE LANGUAGE

1.1 A bill for an act

1.2 relating to civil actions; providing for the survival or continuation of an action
1.3 after the death or disability of a party; proposing coding for new law in
1.4 Minnesota Statutes, chapter 540; repealing Minnesota Statutes 2012, sections
1.5 573.01; 573.02, subdivision 2.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[540.115] ACTION CONTINUES WHERE CAUSE OF ACTION**
1.8 **SURVIVES.**

1.9 (a) An action does not abate by the death or other disability of a party or by the
1.10 transfer of any interest therein if the cause of action survives or continues.

1.11 (b) Notwithstanding paragraph (a), an action against a nursing home licensed under
1.12 chapter 144A, a housing with services establishment under chapter 144D, or a boarding
1.13 care home licensed under Minnesota Rules, chapters 4655 and 4660, does not abate by the
1.14 death or other disability of a party or by the transfer of any interest therein if the action
1.15 was pending at the time of the death or disability of the party.

1.16 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to causes
1.17 of action commenced on or after that date.

1.18 Sec. 2. **[540.116] CAUSES OF ACTION SURVIVING DEATH OF PARTY;**
1.19 **BROUGHT BY OR AGAINST LEGAL REPRESENTATIVE.**

1.20 (a) Any injury or noninjury cause of action survives the death of a party to the action.

1.21 (b) The personal representatives of the deceased may be substituted as plaintiff and
1.22 prosecute the suit to final judgment and satisfaction. A cause of action for death by wrongful
1.23 act or omission is governed by section 573.02. Nothing in this chapter or chapter 573 shall

2.1 be construed as precluding the personal representative trustee or successors in interest
2.2 of the deceased party from pursuing a wrongful death action for all damages sustained
2.3 before death pursuant to section 573.02 and other causes of action arising from the same
2.4 occurrence including general damages suffered by a decedent before the decedent's death.

2.5 (c) Notwithstanding paragraph (a), an injury or noninjury cause of action against a
2.6 nursing home licensed under chapter 144A, a housing with services establishment under
2.7 chapter 144D, or a boarding care home licensed under Minnesota Rules, chapters 4655
2.8 and 4660, does not abate by the death of a party to the action if the action was pending at
2.9 the time of the death or disability of the party. Paragraph (b) applies to actions specified
2.10 by this paragraph.

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to causes
2.12 of action commenced on or after that date.

2.13 Sec. 3. **REPEALER.**

2.14 Minnesota Statutes 2012, sections 573.01; and 573.02, subdivision 2, are repealed.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to causes
2.16 of action commenced on or after that date.