

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1374

(SENATE AUTHORS: LATZ, Newman, Westrom and Dziedzic)

DATE	D-PG	OFFICIAL STATUS
03/05/2015	563	Introduction and first reading Referred to Judiciary
03/18/2015	960	Comm report: To pass
	963	Second reading
05/01/2015	3219	Author stricken Hall
05/11/2015	3491a	Special Order: Amended Motion did not prevail to re-refer to Judiciary
	3492	Third reading Passed

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; amending Minnesota Statutes 2014,
 1.4 section 573.01; proposing coding for new law in Minnesota Statutes, chapter 540.

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

1.6 Section 1. **[540.121] SURVIVAL OF ACTIONS.**

1.7 Subdivision 1. **Cause of action survives.** An injury cause of action, including all
 1.8 causes of action arising from the same occurrence, does not abate by the death or other
 1.9 disability of a party or by the transfer of any interest in the cause of action if the cause of
 1.10 action survives or continues and it was commenced before the death or other disability
 1.11 of a party. Minnesota Rules of Civil Procedure, rule 3.01, applies to a determination of
 1.12 when an action is commenced.

1.13 Subd. 2. **Legal representative of decedent.** The personal representative or
 1.14 successor in interest of the decedent may pursue or defend the cause of action to settlement
 1.15 or final judgment and satisfaction.

1.16 Subd. 3. **Relation to other law.** This section does not create a right of the next of
 1.17 kin to sue for their own pain and suffering as the result of the wrongful death of another.

1.18 The damages otherwise recoverable by the heirs and the next of kin in a wrongful
 1.19 death action under section 573.02 are not affected by this section.

1.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 1.21 actions commenced on or after that date.

1.22 Sec. 2. Minnesota Statutes 2014, section 573.01, is amended to read:

1.23 **573.01 SURVIVAL OF CAUSES.**

- 2.1 A cause of action arising out of an injury to the person dies with the person of the
2.2 party in whose favor it exists, except as provided in ~~section~~ sections 540.121 and 573.02.
- 2.3 All other causes of action by one against another, whether arising on contract or not,
2.4 survive to the personal representatives of the former and against those of the latter.