

CHAPTER 712—H. F. No. 159

An act relating to actions for death by wrongful act, the recovery therefor, changing the method of distribution; amending Minnesota Statutes 1953, Section 573.02, Subdivision 1, as amended.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 573.02, Subdivision 1, as amended by Laws 1955, Chapter 407, is amended to read:

573.02 Action for death by wrongful act. Subdivision 1. When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 2 may maintain an action therefor if the decedent might have maintained an action, had he lived, for an injury caused by such wrongful act or omission. The action may be commenced within three years after the act or omission. The recovery in such action is such an amount as the jury deems fair and just in reference to the pecuniary loss resulting from such death, shall not exceed \$25,000, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. *The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly.* Funeral expenses and any demand for the support of the decedent, other than old age assistance, allowed by the court having jurisdiction of the action, are first deducted and paid.

If an action for such injury was commenced by the decedent and not finally determined during his life, it may be continued by the trustee for recovery of such damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing such continuance and directing pleadings to be made and issues framed as in actions begun under this section.

Approved April 26, 1957.

CHAPTER 713—H. F. No. 345

[Coded]

An act relating to wild animals and to licenses for the taking thereof; amending Minnesota Statutes 1953, Section 98.47.