

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 482

02/11/2013 Authored by Atkins

The bill was read for the first time and referred to the Committee on Civil Law

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 Minnesota
1.4 Statutes, chapter 540; repealing Minnesota Statutes 2012, section 573.01.

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

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

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

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

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

1.14 A cause of action survives the death of a party to the action. The action may be
1.15 brought by or against the personal representative or successors in interest of the deceased
1.16 party. A cause of action for death by wrongful act or omission is governed by section
1.17 573.02. Nothing in this chapter or chapter 573 shall be construed as precluding the
1.18 personal representative or successors in interest of the deceased party from pursuing a
1.19 wrongful death action pursuant to section 573.02 and other causes of action arising from
1.20 the same occurrence.

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

2.1 Sec. 3. **REPEALER.**

2.2 Minnesota Statutes 2012, section 573.01, is repealed.

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

APPENDIX
Repealed Minnesota Statutes: 13-1075

573.01 SURVIVAL OF CAUSES.

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