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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 66

06/12/2020 Authored by Noor, Vang and Xiong, J., The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to judiciary; extending the civil statute of limitations for a death caused
1.3 by a peace officer; amending Minnesota Statutes 2018, section 573.02, subdivision
1.4 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 573.02, subdivision 1, is amended to read:

1.7 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
1.8 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
1.9 an action therefor if the decedent might have maintained an action, had the decedent lived,
1.10 for an injury caused by the wrongful act or omission. An action to recover damages for a
1.11 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
1.12 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
1.13 be commenced within three years of the date of death, but in no event shall be commenced
1.14 beyond the time set forth in section 541.076. An action to recover damages for a death
1.15 caused by an intentional act constituting murder may be commenced at any time after the
1.16 death of the decedent. An action to recover damages for a death caused by a peace officer,
1.17 as defined in section 626.84, subdivision 1, paragraph (c), may be commenced at any time
1.18 after the death of the decedent. Any other action under this section may be commenced
1.19 within three years after the date of death provided that the action must be commenced within
1.20 six years after the act or omission. The recovery in the action is the amount the jury deems
1.21 fair and just in reference to the pecuniary loss resulting from the death, and shall be for the
1.22 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
1.23 loss severally suffered by the death. The court then determines the proportionate pecuniary
1.24 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral

2.1 expenses and any demand for the support of the decedent allowed by the court having
2.2 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
2.3 provided in section 549.20.

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

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.10 applies to causes of action that arise on or after that date; causes of action that arose before
2.11 that date if the limitations period has not expired; and, notwithstanding any statutory or
2.12 common law to the contrary, retroactively to any causes of action that arose before that
2.13 date.