CHAPTER 555

UNIFORM DECLARATORY JUDGMENTS ACT

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555.01 COURTS TO CONSTRUE RIGHTS.

Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

History: *(9455-1) 1933 c 286 s 1*

555.02 MAY HAVE INSTRUMENTS CONSTRUED.

Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder.

History: *(9455-2) 1933 c 286 s 2*

555.03 CONTRACT MAY BE CONSTRUED.

A contract may be construed either before or after there has been a breach thereof.

History: *(9455-3) 1933 c 286 s 3*

555.04 CONSTRUCTION, BY WHOM REQUESTED.

Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, person who lacks mental capacity, or insolvent, may have a declaration of rights or legal relations in respect thereto:

(1) to ascertain any class of creditors, devisees, legatees, heirs, next of kin or other; or

(2) to direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(3) to determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

History: *(9455-4) 1933 c 286 s 4; 2013 c 59 art 3 s 13*

555.05 ENUMERATION NOT EXCLUSIVE.

The enumeration in sections 555.02 to 555.04 does not limit or restrict the exercise of the general powers conferred in section 555.01, in any proceeding where declaratory relief is sought, in which judgment or decree will terminate the controversy or remove an uncertainty.

History: *(9455-5) 1933 c 286 s 5*

555.06 DISCRETIONARY.

The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

History: *(9455-6) 1933 c 286 s 6*

555.07 REVIEW.

All orders, judgments, and decrees under this chapter may be reviewed as other orders, judgments, and decrees.

History: *(9455-7) 1933 c 286 s 7*

555.08 SUPPLEMENTAL RELIEF.

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

History: *(9455-8) 1933 c 286 s 8*

555.09 ISSUES OF FACT MAY BE TRIED.

When a proceeding under this chapter involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending; provided, that any issue of fact for which a jury trial is not required may be brought on for trial at any special term of the court in like manner as an issue of law unless there is a general term of the court at which such issue of fact may be tried as soon as at such special term.

History: *(9455-9) 1933 c 286 s 9; 1943 c 25 s 1*

555.10 COSTS.

In any proceeding under this chapter, the court may make such award of costs as may seem equitable and just.

History: *(9455-10) 1933 c 286 s 10*

555.11 PARTIES.

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the attorney general shall also be served with a copy of the proceeding and be entitled to be heard.

History: *(9455-11) 1933 c 286 s 11*

555.12 REMEDIAL.

This chapter is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations; and is to be liberally construed and administered.

History: *(9455-12) 1933 c 286 s 12*

555.13 PERSON.

The word "person," wherever used in this chapter, shall be construed to mean any person, partnership, joint stock company, unincorporated association, or society, or municipal or other corporation of any character.

History: *(9455-13) 1933 c 286 s 13*

555.14 PROVISIONS SEPARABLE.

The several sections and provisions of this chapter, except sections 555.01 and 555.02, are hereby declared independent and severable, and the invalidity, if any, of any part or feature thereof shall not effect or render the remainder of the chapter invalid or inoperative.

History: *(9455-14) 1933 c 286 s 14*

555.15 UNIFORMITY OF INTERPRETATION.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

History: *(9455-15) 1933 c 286 s 15*

555.16 CITATION, UNIFORM DECLARATORY JUDGMENTS ACT.

This chapter may be cited as the Uniform Declaratory Judgments Act.

History: *(9455-16) 1933 c 286 s 16*