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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1019

01/30/2023 Authored by Feist, Johnson, Niska, Hortman, Becker-Finn and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil actions; modifying the survival of certain causes of action;
1.3 amending Minnesota Statutes 2022, sections 573.01; 573.02, subdivisions 1, 2.

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

1.5 Section 1. Minnesota Statutes 2022, section 573.01, is amended to read:

1.6 573.01 SURVIVAL OF CAUSES.

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

1.12 EFFECTIVE DATE. This section is effective the day following final enactment and
1.13 applies to causes of action pending on or commenced on or after that date.

1.14 Sec. 2. Minnesota Statutes 2022, section 573.02, subdivision 1, is amended to read:

1.15 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
1.16 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
1.17 an action therefor if the decedent might have maintained an action, had the decedent lived,
1.18 for an injury caused by the wrongful act or omission. An action to recover damages for a
1.19 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
1.20 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
1.21 be commenced within three years of the date of death, but in no event shall be commenced
1.22 beyond the time set forth in section 541.076. An action to recover damages for a death

2.1 caused by an intentional act constituting murder may be commenced at any time after the
 2.2 death of the decedent. Any other action under this section may be commenced within three
 2.3 years after the date of death provided that the action must be commenced within six years
 2.4 after the act or omission. The recovery in the action is the amount the jury deems fair and
 2.5 just in reference to for all damages suffered by the decedent resulting from the injury prior
 2.6 to the decedent's death and the pecuniary loss resulting from the death, and shall be for the
 2.7 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
 2.8 loss severally suffered by the death. The court then determines the proportionate pecuniary
 2.9 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral
 2.10 expenses and any demand for the support of the decedent allowed by the court having
 2.11 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
 2.12 provided in section 549.20.

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

2.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.19 applies to causes of action pending on or commenced on or after that date.

2.20 Sec. 3. Minnesota Statutes 2022, section 573.02, subdivision 2, is amended to read:

2.21 Subd. 2. **Injury action.** When injury is caused to a person by the wrongful act or omission
 2.22 of any person or corporation and the person thereafter dies from a cause unrelated to those
 2.23 injuries, the trustee appointed in subdivision 3 may maintain an action for ~~special damages~~
 2.24 all damages arising out of such injury if the decedent might have maintained an action
 2.25 therefor had the decedent lived.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.27 applies to causes of action pending on or commenced on or after that date.