

HOUSE BILL 135

Introduced by Mercer, et al.

1/12	Introduced
1/13	Referred to Judiciary
1/19	Hearing
1/19	Committee Report--Bill Passed
1/23	2nd Reading Passed
1/25	3rd Reading Passed

Transmitted to Senate

1/26	Referred to Judiciary
3/09	Hearing
	Died in Committee

1 House BILL NO. 135
2 INTRODUCED BY MARCO MCHM
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN
5 WRONGFUL DEATH CASES, A DECEDENT'S CAUSE OF ACTION SURVIVES
6 HIS DEATH EVEN IF HIS DEATH WAS INSTANTANEOUS; AMENDING
7 SECTION 27-1-501, MCA; AND PROVIDING AN APPLICABILITY DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 27-1-501, MCA, is amended to read:
11 "27-1-501. Survival of cause of action or defense --
12 death or disability or transfer of interest. (1) (a) An
13 action, cause of action, or defense does not abate because
14 of the death or disability of a party or the transfer of any
15 interest therein--~~but whenever the~~ When a cause of action
16 or defense ~~arose~~ arises in favor of ~~such a~~ a party at or prior
17 to his death or disability or transfer of interest therein,
18 it survives and may be maintained by his representatives or
19 successors in interest. If a decedent's death from injuries
20 caused by another is instantaneous, any cause of action that
21 would exist had he lived an appreciable amount of time after
22 the injury survives as if his death had not been
23 instantaneous.
24 (b) If the action has not been begun or defense
25 interposed, the action may be begun or defense interposed in

1 the name of his the party's representatives or successors in
2 interest. If the action has been begun or defense
3 interposed, the action or proceeding may be continued as
4 provided in Rule 25, M.R.Civ.P.
5 (2) Actions brought under this section and 27-1-513
6 must be combined in one legal action and any element of
7 damages may be recovered only once."
8 **NEW SECTION. Section 2. Applicability.** [This act]
9 applies to causes of action arising on or after [the
10 effective date of this act].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 House BILL NO. 135
2 INTRODUCED BY MARCEA McHenry
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