

TITLE 7: CIVIL PROCEDURE
DIVISION 2: ACTIONS AND SPECIAL PROCEEDINGS

§ 2601. Survival of Claims After Death of Tortfeasor or Other Person Liable.

(a) A cause of action based on tort shall not be lost or abated because of the death of the tortfeasor or other person liable. An action thereon may be brought or continued against the personal representative of the deceased person, but punitive or exemplary damages may not be awarded nor penalties adjudged in the action.

(b) Where a cause of action arises simultaneously with or after the death of the tortfeasor or other person who would have been liable if the death had not occurred simultaneously with the act, omission, circumstance or event giving rise to the cause of action, or if the death had not intervened between the wrongful act, omission, circumstance or event and the coming into being of the cause of action, an action to enforce it may be maintained against the personal representative of the tortfeasor or other person.

Source: 6 TTC § 151.