

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

**§ 2103. Damages; Settlement by Personal Representative.**

(a) Except as provided for in 7 CMC § 2202(a), the court may award damages as it may think proportioned to the pecuniary injury resulting from the death, to the persons for whose benefit the action was brought; provided, however, that where the decedent was a child, and where the plaintiff in the suit brought under this chapter is the parent of that child, or one who stands in the place of a parent pursuant to customary law, the damages shall include mental pain and suffering for the loss of the child, without regard to provable pecuniary damages.

(b) A personal representative appointed in the Commonwealth may, with the consent of the court, settle with the defendant the amount to be paid at any time before or after the commencement of the suit.

**Source:** 6 TTC § 203; amended by PL 4-16, § 1.

**Commission Comment:** For the two-year limitation period concerning wrongful death actions, see 7 CMC § 2503(d). PL 4-16, which took effect October 24, 1984, amended subsection (a) of this section (which had formerly limited recovery to \$100,000), and provided that the amendment would “apply to every action for tort liability which has not been reduced to judgment as of the effective date hereof, regardless of when the action was filed.”