

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

§ 2602. Survival of Actions Following Death of Injured Person.

A cause of action arising out of a wrongful act, neglect, or default, except a cause of action for defamation or malicious prosecution, shall not be extinguished by reason of the death of the injured person. The cause of action shall survive in favor of the legal representative of the person and any damages recovered shall form part of the estate of the deceased.

Source: PL 23-17, § 2 (Mar. 18, 2024).

Commission Comment: PL 23-17, “To Establish a Right of Survivorship for Certain Causes of Action,” took effect March 18, 2024. According to PL 23-17, § 1:

Section 1. Findings and Purpose. Many jurisdictions recognize a right of survivorship for causes of action in civil lawsuits brought by an injured person who subsequently dies before the cause of action has been resolved. Hawaii, for example, has adopted standardized language for recognizing a right of survivorship. HI Rev. Stat. § 663-7 (2015). This bill applies that same language to recognize such a right in the Commonwealth of the Northern Mariana Islands (CNMI). In addition, in order to provide a fair period of transition, the application of the right of survivorship is applied retroactively to cases pending within a year of the effective date of this act.