

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

June 28, 2023

Third Spec Session, 2023

H. B. 23- 23-01

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A BILL FOR AN ACT

To establish a right of survivorship for certain causes of action.

BE IT ENACTED BY THE 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:

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

10           **Section 2. Amendment.** Title 7 (Civil Procedure), Division 2 (Actions and  
11 Special Proceedings), Chapter 6 (Survival of Actions) is amended to add a new §  
12 2602 as follows:

13           “§ 2602. **Survival of Actions Following Death of Injured Person.**

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

6           **Section 3. Severability.** If any provisions of this Act or the application of  
7 any such provision to any person or circumstance should be held invalid by a court  
8 of competent jurisdiction, the remainder of this Act or the application of its  
9 provisions to persons or other circumstances other than those to which it is held  
10 invalid shall not be affected thereby.

11           **Section 4. Savings Clause.** This Act and any repealer contained herein shall  
12 not be construed as affecting any existing right acquired under contract or acquired  
13 under statutes contained in this Act shall not affect any proceeding instituted under  
14 or pursuant to prior law. The enactment of the Act shall not have the effect of  
15 terminating, or in any way modifying, any liability, civil or criminal, which shall  
16 already be in existence on the date this Act becomes effective.

17           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
18 the Governor, or its becoming law without such approval. However, the act is also  
19 effective retroactively to all actions pending from one year prior to the effective  
20 date.

*Intro*  
Prefiled: 6/28/2023

Date: \_\_\_\_\_ Introduced by: *[Signature]*  
Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:  
*[Signature]* 6-28-23  
House Legal Counsel

*[Handwritten signatures and notes]*  
*R. Paul [Signature]*  
*[Signature]*  
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