

CHAPTER 4

Survival of Actions

SECTIONS

§ 401. Survival of claims after death of tort-feasor or other person liable.

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(1) A cause of action based on tort shall not be lost or abated because of the death of the tort-feasor 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.

(2) Where a cause of action arises simultaneously with or after the death of the tort-feasor or other person who would have been liable if his death had not occurred simultaneously with the act, omission, circumstance, or event giving rise to the cause of action, or if his 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 tort-feasor or other person.

Source: TT Code 1966 § 25-A; TT Code 1970, 6 TTC 151; TT Code 1980, 6 TTC 151.