

HOUSE No. 1194

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act correcting a procedural omission regarding actions against certain decedents under the Uniform Probate Court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>1/15/2015</i>

HOUSE No. 1194

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1194) of Garrett J. Bradley for legislation to correct procedural omissions regarding actions against certain decedents under the Uniform Probate Code. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1223 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act correcting a procedural omission regarding actions against certain decedents under the Uniform Probate Court.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1: Section 3-803 of Chapter 190B is hereby amended by deleting subsection
2 (d)(2) and substituting therefor the following:

3 (2) an action for personal injury or death, if commenced more than one year after the date
4 of death of the decedent, brought against the personal representative, provided that such action is
5 commenced within three years next after the cause of action accrues, and provided further that
6 any judgment recovered in any action so brought may be satisfied from the proceeds of a policy
7 of liability insurance or liability bond, if any, and not from the general assets of the estate. If a
8 personal representative has not been appointed, then an action otherwise allowed hereunder may
9 be maintained without such appointment, and shall be maintained naming the decedent as the

10 defendant. In such event any service of process that may be necessary shall be made upon the
11 entity providing the insurance or bond.

12 Section 2: Section 1 is designed to correct an omission in the Uniform Probate Code, and
13 shall apply to all actions accruing on or after March 31, 2012.