

**FIRST ENGROSSMENT
with Senate Amendments**Fifty-fifth
Legislative Assembly
of North Dakota**ENGROSSED HOUSE BILL NO. 1399**

Introduced by

Representatives Oban, Mahoney

Senator Watne

1 A BILL for an Act to amend and reenact section 32-21-03 of the North Dakota Century Code,
2 relating to persons who may bring a wrongful death action.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-21-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-21-03. Who may bring action.** The action shall be brought by the following
7 persons in the order named:

- 8 1. The surviving husband or wife, if any.
- 9 2. The surviving children, if any.
- 10 3. The surviving mother or father.
- 11 4. A surviving grandparent.
- 12 5. The personal representative.
- 13 6. A person who has had primary physical custody of the decedent before the
14 wrongful act.

15 If any person entitled to bring the action refuses or neglects so to do for a period of thirty days
16 after demand of the person next in order, ~~such~~ that person may bring the ~~same~~ action.