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H.351

Introduced by Representatives Beck of St. Johnsbury, Anthony of Barre City,
Burditt of West Rutland, Cina of Burlington, Clifford of
Rutland City, Farlice-Rubio of Barnet, Goslant of Northfield,
Hooper of Randolph, Labor of Morgan, Mattos of Milton,
Oliver of Sheldon, Peterson of Clarendon, Taylor of Colchester,
Troiano of Stannard, and Walker of Swanton

Referred to Committee on

Date:

Subject: Decedents' estates; actions; defamation

Statement of purpose of bill as introduced: This bill proposes to permit an
executor or administrator of an estate to bring an action for defamation of the
deceased person.

An act relating to permitting an action for defamation of a deceased person

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 14 V.S.A. § 1451 is amended to read:

§ 1451. WHAT ACTIONS SURVIVE

(a) Actions of ejectment or other proper actions to recover the seisin or
possession of lands, tenements, or hereditaments, actions of replevin, actions
on tort on account of the wrongful conversion of personal estate, and actions

1 on tort on account of a trespass or for damages done to real or personal estate
2 shall survive, in addition to the actions that survive by common law, and may
3 be commenced and prosecuted by the executor or administrator.

4 (b) An executor or administrator may commence and prosecute a
5 defamation action on behalf of a deceased person's estate. The action may be
6 based on allegedly defamatory statements made before or after the deceased
7 person's death and before or after the effective date of this act.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on passage.