

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 106

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DATE
01/14/2019

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Introduction and first reading
Referred to Jobs and Economic Growth Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to construction codes; clarifying duties in administering the contractor
1.3 recovery fund; amending Minnesota Statutes 2018, section 326B.89, by adding
1.4 subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 326B.89, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 5a. Statute of limitations. The time limitations relating to construction defects
1.9 found in section 541.051 apply to applications for compensation made under this section.

1.10 Sec. 2. Minnesota Statutes 2018, section 326B.89, is amended by adding a subdivision to
1.11 read:

1.12 Subd. 6a. Department duties. The department shall provide assistance to an owner
1.13 making or inquiring about making an application for compensation from the contractor
1.14 recovery fund. The commissioner shall designate an employee of the department to act as
1.15 a liaison for the purposes of:

1.16 (1) explaining clearly and concisely to an owner the information to be included and the
1.17 process for submitting an application for compensation to the commissioner;

1.18 (2) explaining clearly and concisely to an owner the difference between obtaining a
1.19 default judgment and a final judgment and the effect the type of judgment has on the burden
1.20 of proof for an owner in a hearing before an administrative law judge under subdivision 8;

1.21 (3) informing an owner that they may wish to consult with an attorney who is able to
1.22 provide counsel to the owner when the department is unable to provide such assistance; and

- 2.1 (4) assisting an owner by responding to any other questions the owner may have when
- 2.2 completing the application for compensation or during other periods of the compensation
- 2.3 process.