

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 681

1.2 A bill for an act
1.3 relating to civil actions; changing the limitation period for civil actions involving
1.4 sexual abuse; amending Minnesota Statutes 2012, section 541.073.

1.5 May 16, 2013

1.6 The Honorable Paul Thissen
1.7 Speaker of the House of Representatives

1.8 The Honorable Sandra L. Pappas
1.9 President of the Senate

1.10 We, the undersigned conferees for H. F. No. 681 report that we have agreed upon the
1.11 items in dispute and recommend as follows:

1.12 That the Senate recede from its amendments and that H. F. No. 681 be further
1.13 amended as follows:

1.14 Delete everything after the enacting clause and insert:

1.15 "Section 1. Minnesota Statutes 2012, section 541.073, is amended to read:

1.16 **541.073 ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE; SPECIAL**
1.17 **PROVISIONS.**

1.18 Subdivision 1. **Definition.** As used in this section;

1.19 (1) "sexual abuse" means conduct described in sections 609.342 to 609.345
1.20 609.3451; and

1.21 (2) "person" includes a natural person, corporation, limited liability company,
1.22 partnership, organization, association, or other entity.

1.23 Subd. 2. **Limitations period.** (a) An action for damages based on ~~personal injury~~
1.24 ~~caused by sexual abuse:~~ (1) must be commenced within six years of the time the plaintiff
1.25 ~~knew or had reason to know that the injury was caused by the sexual abuse~~ alleged sexual
1.26 abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be
1.27 commenced at any time in the case of alleged sexual abuse of an individual under the age
1.28 of 18, except as provided for in subdivision 4; and (3) must be commenced before the

2.1 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually
2.2 abused a minor when that natural person was under 14 years of age.

2.3 (b) The plaintiff need not establish which act in a continuous series of sexual abuse
2.4 acts by the defendant caused the injury.

2.5 ~~(e) The knowledge of a parent or guardian may not be imputed to a minor.~~

2.6 ~~(d)~~ (c) This section does not affect the suspension of the statute of limitations during
2.7 a period of disability under section 541.15.

2.8 Subd. 3. **Applicability.** This section applies to an action for damages commenced
2.9 against a person who ~~caused~~ was a cause of the plaintiff's personal injury damages either
2.10 by (1) committing sexual abuse against the plaintiff, or (2) ~~negligently permitting sexual~~
2.11 ~~abuse against the plaintiff to occur~~ negligence.

2.12 Subd. 4. **Vicarious liability or respondeat superior claims.** A claim for vicarious
2.13 liability or liability under the doctrine of respondeat superior must be commenced within
2.14 six years of the alleged sexual abuse, provided that if the plaintiff was under the age of 18 at
2.15 the time of the alleged abuse, the claim must be commenced before the plaintiff is 24 years
2.16 of age. This subdivision does not limit the availability of these claims under other law.

2.17 Subd. 5. **Title.** This section may be cited as the "Child Victims Act."

2.18 **EFFECTIVE DATE; APPLICABILITY.** (a) This section is effective the day
2.19 following final enactment. Except as provided in paragraph (b), this section applies to
2.20 actions that were not time-barred before the effective date.

2.21 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse
2.22 of an individual under the age of 18, if the action would otherwise be time-barred under a
2.23 previous version of Minnesota Statutes, section 541.073, or other time limit, an action for
2.24 damages against a person, as defined in Minnesota Statutes, section 541.073, subdivision
2.25 1, clause (2), may be commenced no later than three years following the effective date of
2.26 this section. This paragraph does not apply to a claim for vicarious liability or respondeat
2.27 superior, but does apply to other claims, including negligence. This paragraph applies to
2.28 actions pending on or commenced on or after the effective date."

2.29 Delete the title and insert:

2.30 "A bill for an act
2.31 relating to civil actions; changing the limitation period for civil actions involving
2.32 sexual abuse; amending Minnesota Statutes 2012, section 541.073."

3.1 We request the adoption of this report and repassage of the bill.

3.2 House Conferees:

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3.4 Steve Simon Ryan Winkler

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3.6 Jim Abeler

3.7 Senate Conferees:

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3.9 Ron Latz John A. Hoffman

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3.11 Karin Housley