

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3573

(SENATE AUTHORS: LATZ)

DATE
02/15/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to civil law; modifying collateral source calculations and contributory
- 1.3 fault; amending Minnesota Statutes 2022, sections 548.251, subdivision 2; 604.01,
- 1.4 subdivision 1; 604.02, subdivisions 1, 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 548.251, subdivision 2, is amended to read:
- 1.7 Subd. 2. **Motion.** In a civil action, whether based on contract or tort, when liability is
- 1.8 admitted or is determined by the trier of fact, and when damages include an award to
- 1.9 compensate the plaintiff for losses available to the date of the verdict by collateral sources,
- 1.10 a party may file a motion within ten days of the date of entry of the verdict requesting
- 1.11 determination of collateral sources. If the motion is filed, the parties shall submit written
- 1.12 evidence of, and the court shall determine:
- 1.13 (1) amounts of collateral sources that have been paid for the benefit of the plaintiff or
- 1.14 are otherwise available to the plaintiff as a result of losses except those for which a
- 1.15 subrogation right has been asserted; and
- 1.16 (2) amounts that have been paid, contributed, or forfeited by, or on behalf of, the plaintiff
- 1.17 ~~or~~ members of the plaintiff's immediate family, and the plaintiff's employer for the two-year
- 1.18 period immediately before the accrual of the action and until judgment is entered to secure
- 1.19 the right to a collateral source benefit that the plaintiff is receiving as a result of losses.
- 1.20 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
- 1.21 of action commenced on or after that date.

2.1 Sec. 2. Minnesota Statutes 2022, section 604.01, subdivision 1, is amended to read:

2.2 Subdivision 1. **Scope of application.** Contributory fault does not bar recovery in an
2.3 action by any person or the person's legal representative to recover damages for fault resulting
2.4 in death, in injury to person or property, or in economic loss, if the contributory fault was
2.5 not greater than the aggregate fault of the person or persons against whom recovery is
2.6 sought, but any damages allowed must be diminished in proportion to the amount of fault
2.7 attributable to the person recovering. The court may, and when requested by any party shall,
2.8 direct the jury to find separate special verdicts determining the amount of damages and the
2.9 percentage of fault attributable to each party and the court shall then reduce the amount of
2.10 damages in proportion to the amount of fault attributable to the person recovering.

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
2.12 of action commenced on or after that date.

2.13 Sec. 3. Minnesota Statutes 2022, section 604.02, subdivision 1, is amended to read:

2.14 Subdivision 1. **Joint liability.** When two or more persons are severally liable,
2.15 contributions to awards shall be in proportion to the percentage of fault attributable to each,
2.16 except that the following persons are jointly and severally liable for the whole award:

2.17 (1) a person whose fault is ~~greater than~~ 50 percent or more;

2.18 (2) two or more persons who act in a common scheme or plan that results in injury;

2.19 (3) a person who commits an intentional tort; or

2.20 (4) a person whose liability arises under chapters 18B - pesticide control, 115 - water
2.21 pollution control, 115A - waste management, 115B - environmental response and liability,
2.22 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law
2.23 for damage to the environment or the public health, any other environmental or public health
2.24 law, or any environmental or public health ordinance or program of a municipality as defined
2.25 in section 466.01.

2.26 This section applies to claims arising from events that occur on or after August 1, 2003.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
2.28 of action commenced on or after that date.

2.29 Sec. 4. Minnesota Statutes 2022, section 604.02, subdivision 2, is amended to read:

2.30 Subd. 2. **Reallocation of uncollectible amounts generally.** Upon motion made not later
2.31 than one year after judgment is entered, the court shall determine whether all or part of a

3.1 any party's equitable share of the obligation is uncollectible from that party and shall
3.2 reallocate any uncollectible amount among the other parties, including a claimant at fault,
3.3 according to their respective percentages of fault. A party whose liability is reallocated is
3.4 nonetheless subject to contribution and to any continuing liability to the claimant on the
3.5 judgment.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
3.7 of action commenced on or after that date.