

A bill for an act
relating to real estate; adjusting the statute of repose for homeowner warranty
claims; amending Minnesota Statutes 2008, section 541.051, subdivision 4.

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

Section 1. Minnesota Statutes 2008, section 541.051, subdivision 4, is amended to read:

Subd. 4. **Applicability.** ~~For the purposes of~~ This section does not apply to actions
based on breach of the statutory warranties set forth in section 327A.02, or to actions based
on breach of an express written warranty, except as provided by this subdivision. Such
actions shall be brought within two years of the discovery of the breach in all cases where
the breach is discovered within ten years after the warranty date. ~~In the case of an action~~
~~under section 327A.05, which accrues during the ninth or tenth year after the warranty~~
~~date, as defined in section 327A.01, subdivision 8, an action may be brought within two~~
~~years of the discovery of the breach~~ Where the breach is discovered more than ten years
after the warranty date, such actions shall be brought within one year after the discovery
of the breach, but in no event may an action under section 327A.05 or an action based on
breach of an express written warranty be brought more than 12 years after the ~~effective~~
warranty date. An action for contribution or indemnity arising out of actions described in
this subdivision may be brought no later than two years after the earlier of commencement
of the action against the party seeking contribution or indemnity, or payment of a final
judgment, arbitration award, or settlement arising out of the breach.

EFFECTIVE DATE. This section is effective the day following final enactment
and applies to cases pending or commenced on or after that date.