

A bill for an act

relating to civil actions; providing immunity in certain cases involving the use of school facilities for recreational activities; amending Minnesota Statutes 2010, section 466.03, subdivision 6e, by adding a subdivision.

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

Section 1. Minnesota Statutes 2010, section 466.03, subdivision 6e, is amended to read:

Subd. 6e. **Parks and recreation areas.** Any claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services, or from any claim based on the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, if the claim arises from a loss incurred by a user of park and recreation property or services. Nothing in this subdivision limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person, except as provided in subdivision 23.

Sec. 2. Minnesota Statutes 2010, section 466.03, is amended by adding a subdivision to read:

Subd. 23. **Recreational use of school property and facilities.** (a) Any claim for a loss or injury occurring while school is not in session arising from the use of school property or a school facility, including but not limited to a playground, sports field, gym, fitness room, pool, or any other indoor or outdoor area made available to the public for recreational activity.

(b) Nothing in this subdivision:

2.1 (1) limits the liability of a school district for conduct by the district or an officer,
2.2 employee, or agent of the district that would entitle a trespasser to damages against a
2.3 private person; or

2.4 (2) reduces any existing duty owed by the school district to students, staff, or other
2.5 individuals authorized to be present on school property while school is in session.

2.6 Sec. 3. **EFFECTIVE DATE.**

2.7 Sections 1 and 2 are effective the day following final enactment and apply to causes
2.8 of action arising on or after that date.