

A bill for an act

relating to civil actions; modifying remedies related to certain unlawful or deceptive trade practice actions; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 540.

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

Section 1. Minnesota Statutes 2010, section 8.31, subdivision 3a, is amended to read:

Subd. 3a. **Private remedies.** In addition to the remedies otherwise provided by law and subject to subdivision 3d, any person injured by a violation of any of the laws referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may, as appropriate, enter a consent judgment or decree without the finding of illegality. In any action brought by the attorney general pursuant to this section, the court may award any of the remedies allowable under this subdivision.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2010, section 8.31, is amended by adding a subdivision to read:

Subd. 3d. **Private remedies for Unlawful Trade Practices Act, Prevention of Consumer Fraud Act, and False Statement in Advertisement Act.** To recover damages in a civil action pursuant to subdivision 3a for violations of the Unlawful Trade Practices Act (sections 325D.09 to 325D.16), Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), the False Statement in Advertisement Act (section 325F.67), or other laws

2.1 against false or fraudulent advertising, detrimental reliance upon the alleged deceptive,
2.2 false, or misleading act, practice, statement, or omission must be pleaded and proved. No
2.3 award of damages may be made in an action covered by this subdivision without proof
2.4 that the person or persons seeking damages suffered an out-of-pocket loss.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.6 and applies to actions that accrue on or after that date.

2.7 Sec. 3. **[540.19] CLASS ACTIONS; INTERLOCUTORY APPEAL.**

2.8 A court order certifying a class action, refusing to certify a class action, or denying a
2.9 motion to decertify a class action is appealable as a matter of right. While an appeal under
2.10 this subdivision is pending, all discovery and other proceedings in the district court are
2.11 automatically stayed, except that upon the motion of a party the district court may lift the
2.12 stay, in whole or in part, for good cause shown.

2.13 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to orders
2.14 issued on or after that date.