

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 768

(SENATE AUTHORS: SIEBEN, Eaton, Latz and Goodwin)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	392	Introduction and first reading Referred to Judiciary
04/02/2013	1530a 1668	Comm report: To pass as amended Second reading
05/17/2013	3955	HF substituted on General Orders HF792

1.1 A bill for an act
 1.2 relating to civil actions; prohibiting waivers of liability for negligent conduct;
 1.3 proposing coding for new law in Minnesota Statutes, chapter 604.

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

1.5 Section 1. **[604.055] WAIVER OF LIABILITY FOR NEGLIGENT CONDUCT.**

1.6 (a) An agreement between parties that purports to release, limit, or waive the liability
 1.7 of one party for damage arising out of the negligent operation, maintenance, or design of
 1.8 that party's premises is against public policy and void and unenforceable to the extent the
 1.9 agreement applies to injury resulting in:

1.10 (1) a very serious impairment of an important bodily function;

1.11 (2) disability for 60 days or more; or

1.12 (3) death.

1.13 The agreement is severable from a waiver of liability for injuries resulting from the risk
 1.14 inherent in a particular activity or for injuries not described in clauses (1) to (3).

1.15 (b) This section does not prevent a court from finding that an agreement is void and
 1.16 unenforceable as against public policy on other grounds or under other law.

1.17 (c) For purposes of this section, "party" or "parties" includes a person, agent, servant
 1.18 or employee of that party or parties, and includes a minor or another who is authorized to
 1.19 sign or accept the agreement on behalf of the minor. "Disability" means the inability to
 1.20 engage in substantially all of the injured person's usual and customary daily activities.

1.21 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
 1.22 agreements first signed or accepted on or after that date.