

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **1819**

01/24/2012 Authored by Dettmer; McElpatrick; Westrom; Anderson, B.; Lohmer and others
The bill was read for the first time and referred to the Veterans Services Division
02/08/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Civil Law
03/13/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to the military; providing civil immunity from damages in certain
1.3 situations; modifying business discrimination provision; amending Minnesota
1.4 Statutes 2010, section 363A.17; proposing coding for new law in Minnesota
1.5 Statutes, chapter 192.

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

1.7 Section 1. **[192.535] CIVIL IMMUNITY; BEYOND THE YELLOW RIBBON**
1.8 **PROGRAM.**

1.9 Subdivision 1. **Definitions.** As used in this section, the following terms have the
1.10 meanings given them:

1.11 (1) "program" means the "Beyond the Yellow Ribbon" program;

1.12 (2) "program administrator" means any individual with responsibility for
1.13 coordinating the program or coordinating volunteers participating in the program; and

1.14 (3) "services" means any voluntary assistance coordinated by the program that is
1.15 related to an active or reserve service member's or the service member's family's home
1.16 maintenance, transportation, physical or emotional health, personal finances, or other
1.17 similar needs and that is provided to the service member or to an immediate family
1.18 member of the service member before, during, or after the service member's mobilization
1.19 or deployment for a contingency operation ordered by a proper military authority.

1.20 Subd. 2. **Civil immunity.** (a) A program administrator and any person that, in good
1.21 faith, participates in any capacity in the program and provides services is not liable for
1.22 damages resulting from the acts or omissions by that person in providing the services,
1.23 provided that the person providing the services is liable if the act or omission is willful,
1.24 wanton, or reckless.

2.1 (b) A recipient of services provided by a person participating in any capacity in the
2.2 program is not liable for damages incurred by the person in the course of providing the
2.3 services, unless the damage is the result of a willful, wanton, or reckless act or omission of
2.4 the recipient.

2.5 Subd. 3. **Exception.** This section does not apply:

2.6 (1) to the extent the acts or omissions are covered by an insurance policy issued to
2.7 the person or to the entity for whom the person serves;

2.8 (2) to a person who provides services during the course of the person's regular
2.9 employment and for which the person receives compensation; or

2.10 (3) to a person who provides voluntary services that the person also provides for
2.11 compensation in the normal course of business, if the person is not insured for damages or
2.12 injury that may result from those services and the person does not notify, in writing, the
2.13 program and the recipient of the services of this fact before providing the services.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.15 and applies to damages incurred on or after that date.

2.16 Sec. 2. Minnesota Statutes 2010, section 363A.17, is amended to read:

2.17 **363A.17 BUSINESS DISCRIMINATION.**

2.18 It is an unfair discriminatory practice for a person engaged in a trade or business
2.19 or in the provision of a service:

2.20 (1) to refuse to do business with or provide a service to a woman based on her
2.21 use of her current or former surname; or

2.22 (2) to impose, as a condition of doing business with or providing a service to a
2.23 woman, that a woman use her current surname rather than a former surname; or

2.24 (3) to intentionally refuse to do business with, to refuse to contract with, or to
2.25 discriminate in the basic terms, conditions, or performance of the contract because of
2.26 a person's race, national origin, color, sex, sexual orientation, ~~or~~ disability, or military
2.27 service status, unless the alleged refusal or discrimination is because of a legitimate
2.28 business purpose.

2.29 Nothing in this section shall prohibit positive action plans.