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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2743

02/20/2018 Authored by Smith
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
02/26/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to civil actions; regulating actions for damages based on services or
1.3 construction to improve real property; providing for a limitation on actions;
1.4 amending Minnesota Statutes 2016, section 541.051, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2016, section 541.051, subdivision 1, is amended to read:

1.7 Subdivision 1. Limitation; service or construction of real property; improvements.

1.8 (a) Except where fraud is involved, no action by any person in contract, tort, or otherwise
1.9 to recover damages for any injury to property, real or personal, or for bodily injury or
1.10 wrongful death, arising out of the defective and unsafe condition of an improvement to real
1.11 property, shall be brought against any person performing or furnishing the design, planning,
1.12 supervision, materials, or observation of construction or construction of the improvement
1.13 to real property or against the owner of the real property more than two years after discovery
1.14 of the injury the cause of action accrues, as specified in paragraph (c), nor in any event shall
1.15 such a cause of action accrue more than ten years after substantial completion of the
1.16 construction. Date of substantial completion shall be determined by the date when
1.17 construction is sufficiently completed so that the owner or the owner's representative can
1.18 occupy or use the improvement for the intended purpose.

1.19 (b) Notwithstanding paragraph (a), an action for contribution or indemnity arising out
1.20 of the defective and unsafe condition of an improvement to real property may be brought
1.21 no later than two years after the cause of action for contribution or indemnity has accrued,
1.22 regardless of whether it accrued before or after the ten-year period referenced in paragraph
1.23 (a), provided that in no event may an action for contribution or indemnity be brought more
1.24 than 14 years after substantial completion of the construction.

2.1 (c) For purposes of paragraph (a), a cause of action accrues: (1) for a bodily injury or
2.2 wrongful death action, upon discovery of the injury; and (2) for an action for injury to real
2.3 or personal property, upon discovery of the injury, but in no event shall a cause of action
2.4 accrue earlier than upon substantial completion, termination, or abandonment of the
2.5 construction or the improvement to real property, whichever occurs first. For purposes of
2.6 paragraph (b), a cause of action for contribution or indemnity accrues upon the earlier of
2.7 commencement of the action against the party seeking contribution or indemnity, or payment
2.8 of a final judgment, arbitration award, or settlement arising out of the defective and unsafe
2.9 condition.

2.10 (d) Nothing in this section shall apply to actions for damages resulting from negligence
2.11 in the maintenance, operation or inspection of the real property improvement against the
2.12 owner or other person in possession.

2.13 (e) The limitations prescribed in this section do not apply to the manufacturer or supplier
2.14 of any equipment or machinery installed upon real property.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.16 applies to causes of action accruing on or after that date.