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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 681

02/18/2013 Authored by Simon, Paymar, Abeler, Rosenthal, Erickson, S., and others

The bill was read for the first time and referred to the Committee on Civil Law

03/07/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Finance and Policy

1.1 A bill for an act
1.2 relating to civil actions; changing the limitation period for civil actions involving
1.3 sexual abuse; amending Minnesota Statutes 2012, section 541.073.

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

1.5 Section 1. Minnesota Statutes 2012, section 541.073, is amended to read:

1.6 **541.073 ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE; SPECIAL**
1.7 **PROVISIONS.**

1.8 Subdivision 1. **Definition.** As used in this section:

1.9 (1) "sexual abuse" means conduct described in sections 609.342 to ~~609.345~~
1.10 609.3451; and

1.11 (2) "person" includes a natural person, corporation, limited liability company,
1.12 partnership, organization, association, or other entity.

1.13 Subd. 2. **Limitations period.** (a) An action for damages based on ~~personal injury~~
1.14 ~~caused by sexual abuse~~; (1) must be commenced within six years of the time the plaintiff
1.15 knew or had reason to know that the injury was caused by the sexual abuse alleged
1.16 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; and
1.17 (2) may be commenced at any time in the case of alleged sexual abuse of an individual
1.18 under the age of 18.

1.19 (b) The plaintiff need not establish which act in a continuous series of sexual abuse
1.20 acts by the defendant caused the injury.

1.21 (c) ~~The knowledge of a parent or guardian may not be imputed to a minor.~~

1.22 (d) ~~(c)~~ This section does not affect the suspension of the statute of limitations during
1.23 a period of disability under section 541.15.

2.1 Subd. 3. **Applicability.** This section applies to an action for damages commenced
2.2 against a person who caused the plaintiff's personal injury either by (1) committing sexual
2.3 abuse against the plaintiff, or (2) ~~negligently permitting sexual abuse against the plaintiff~~
2.4 ~~to occur~~ negligence.

2.5 Subd. 4. **Not applicable to vicarious liability or respondeat superior claims.**
2.6 This section does not apply to a claim based on vicarious liability or liability under the
2.7 doctrine of respondeat superior. This subdivision does not limit the availability of these
2.8 claims under other law.

2.9 Subd. 5. **Title.** This section may be cited as the "Child Victims Act."

2.10 **EFFECTIVE DATE; APPLICABILITY.** (a) This section is effective the day
2.11 following final enactment and applies to conduct occurring on or after that date.

2.12 (b) Notwithstanding any other provision of law, in the case of conduct alleged to
2.13 constitute sexual abuse against an individual under the age of 18, if the claim would
2.14 otherwise be time-barred under a previous version of Minnesota Statutes, section 541.073,
2.15 or other applicable statutes of limitations, a claim for injury based on that conduct may be
2.16 filed no later than three years following the effective date of this section.