

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
04/04/2013 Adoption of Report: Pass as Amended and Read Second Time
05/01/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

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 sexual
1.16 abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be
1.17 commenced at any time in the case of alleged sexual abuse of an individual under the
1.18 age of 18; and (3) must be commenced within six years of the alleged sexual abuse in a
1.19 case where the individual defendant is 16 years old or younger at the time of the alleged
1.20 abuse, except when the plaintiff was under 18 at the time of the alleged abuse and then
1.21 no later than the plaintiff's 24th birthday.

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

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

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

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

2.7 Subd. 4. **Vicarious liability or respondeat superior claims.** A claim for vicarious
2.8 liability or liability under the doctrine of respondeat superior shall be commenced within
2.9 six years of the alleged sexual abuse except when the plaintiff was under 18 at the time of
2.10 the alleged abuse and then no later than the plaintiff's 24th birthday. This subdivision does
2.11 not limit the availability of these claims under other law.

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

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

2.15 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse
2.16 of an individual under the age of 18, if the action would otherwise be time-barred under
2.17 a previous version of Minnesota Statutes, section 541.073, or other applicable statutes
2.18 of limitations, an action for damages may be filed no later than three years following the
2.19 effective date of this section. This paragraph does not apply to an action for vicarious
2.20 liability or respondeat superior.

2.21 (c) Under paragraph (b), the liability of any municipality, as that term is defined in
2.22 Minnesota Statutes, section 466.01, shall not exceed the amount of valid and collectible
2.23 insurance, including, where applicable, proceeds from the Minnesota Insurance Guaranty
2.24 Association, which covers the claim.