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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 985

02/09/2017 Authored by Fabian, Ecklund, Smith, Heintzeman and Loonan
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
02/15/2017 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to civil actions; specifying the duty owed by owners of real property to
1.3 trespassers; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

1.5 Section 1. **[604A.28] DUTY OF OWNER OF REAL PROPERTY TO TRESPASSER.**

1.6 (a) An owner of real property owes no duty of care to a trespasser except in those
1.7 circumstances where a common law or statutory right of action existed as of the effective
1.8 date of this section.

1.9 (b) This section does not affect any immunities from or defenses to civil liability
1.10 established by other law or available at common law to which an owner of real property
1.11 may be entitled.

1.12 (c) For the purposes of this section, "owner" means the possessor of a fee interest or a
1.13 life estate, tenant, lessee, occupant, holder of a utility easement, or a person in control of
1.14 the land.

1.15 **EFFECTIVE DATE.** This section is effective July 1, 2017, and applies to actions
1.16 arising from incidents occurring on or after that date.