

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

04/27/2017 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; 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 (d) This section does not apply to a claim arising from injury to a minor.
- 1.16 (e) For the purposes of this section, "trespasser" means a person who is on the land and
- 1.17 has unlawfully or wrongfully entered the land through their physical presence or through
- 1.18 the physical presence of another tangible object or substance which interferes with the
- 1.19 owner's right of exclusive possession.
- 1.20 **EFFECTIVE DATE.** This section is effective July 1, 2017, and applies to actions
- 1.21 arising from incidents occurring on or after that date.