

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 149

(SENATE AUTHORS: ORTMAN, Newman, Thompson, Michel and Benson)

DATE	D-PG	OFFICIAL STATUS
01/31/2011	128	Introduction and first reading Referred to Judiciary and Public Safety
05/02/2011	1570a 1604	Comm report: To pass as amended Second reading
05/14/2011	2046	General Orders: To pass
05/16/2011	2082	Calendar: Third reading Passed
02/08/2012		Returned from House with amendment Senate concurred and repassed bill Third reading

1.1 A bill for an act

1.2 relating to civil actions; modifying remedies related to certain unlawful or

1.3 deceptive trade practice actions; permitting appeals of certain court orders related

1.4 to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a,

1.5 by adding a subdivision; proposing coding for new law in Minnesota Statutes,

1.6 chapter 540.

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

1.8 Section 1. Minnesota Statutes 2010, section 8.31, subdivision 3a, is amended to read:

1.9 Subd. 3a. **Private remedies.** In addition to the remedies otherwise provided by law

1.10 and subject to subdivision 3d, any person injured by a violation of any of the laws referred

1.11 to in subdivision 1 may bring a civil action and recover damages, together with costs

1.12 and disbursements, including costs of investigation and reasonable attorney's fees, and

1.13 receive other equitable relief as determined by the court. The court may, as appropriate,

1.14 enter a consent judgment or decree without the finding of illegality. In any action brought

1.15 by the attorney general pursuant to this section, the court may award any of the remedies

1.16 allowable under this subdivision.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2010, section 8.31, is amended by adding a subdivision to

1.19 read:

1.20 Subd. 3d. **Private remedies for Unlawful Trade Practices Act, Prevention of**

1.21 **Consumer Fraud Act, False Statement in Advertisement Act.** Civil actions pursuant to

1.22 subdivision 3a for violations of the Unlawful Trade Practices Act (sections 325D.09 to

1.23 325D.16), Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), or the False

1.24 Statement in Advertisement Act (section 325F.67) or other laws against false or fraudulent

advertising may be brought only by persons who purchase or lease goods, services, or real estate for personal, family, household, or business purposes. Each such person seeking to recover damages for violations of these sections, either in an individual action, a class action, or any other type of action, is required to plead and prove on an individual basis that the deceptive act or practice caused the person to enter into the transaction that resulted in the damages. No award of damages in an action covered by this subdivision may be made without proof that the person or persons seeking damages suffered an actual out-of-pocket loss. The term "out-of-pocket loss" means an amount of money equal to the difference between the amount paid by the consumer for the good or service and the actual market value of the good or service that the consumer actually received.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to actions commenced on or after that date.

Sec. 3. **[540.19] CLASS ACTIONS; INTERLOCUTORY APPEAL.**

A court order certifying a class action, refusing to certify a class action, or denying a motion to decertify a class action is appealable in the same manner as a final order or judgment. While an appeal under this subdivision is pending, all discovery and other proceedings in the district court must be stayed.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to orders issued on or after that date.