

## CHAPTER 564—H. F. No. 1259

[Coded]

*An act relating to certain actions to recover damages arising from the defective and unsafe condition of improvements to real property; limiting the time within which such actions must be brought; amending Minnesota Statutes 1961, Chapter 541, as amended, by adding a section.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Chapter 541, as amended, is amended by adding a section to read:

**[541.051] Limitation of action for damages based on services or construction to improve real property.** *Subdivision 1. Except where fraud is involved, no action to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury, shall be brought against any person performing or furnishing the design, planning, supervision, or observation of construction or construction of such improvement to real property more than two years after discovery thereof, nor, in any event more than ten years after the completion of such construction. This limitation shall not be applied in favor of any person in actual possession and control as owner, tenant, or otherwise, of the improvement at the time the defective and unsafe conditions of such improvement constitutes the proximate cause of the injury for which it is proposed to bring an action.*

*Subd. 2. Notwithstanding the provisions of subdivision 1, in the case of such an injury to property or the person, or such an injury causing wrongful death, which injury occurred during the tenth year after the completion of such construction, an action to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than 11 years after the completion of such construction.*

*Subd. 3. Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.*

Approved May 21, 1965.

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**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**