

Minnesota Statutes 1986, sections 179.83, subdivision 2; and 179.84, subdivision 2, are repealed.

Sec. 8. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved April 12, 1988

CHAPTER 481—H.F.No. 1923

An act relating to civil actions; imposing civil liability for the theft of property; proposing coding for new law in Minnesota Statutes, chapter 332.

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

Section 1. **[332.51] CIVIL LIABILITY FOR THEFT.**

Subdivision 1. LIABILITY FOR THEFT OF PROPERTY. A person who steals personal property from another is civilly liable to the owner of the property for its value when stolen plus punitive damages of either \$50 or up to 100 percent of its value when stolen, whichever is greater. If the property is merchandise stolen from a retail store, its value is the retail price of the merchandise in the store when the theft occurred.

Subd. 2. NOTICE. In order to recover under subdivision 1 for the theft of a shopping cart, a store must have posted at the time of the theft a conspicuous notice describing the liability under subdivision 1.

Subd. 3. LIABILITY OF PARENT OR GUARDIAN. The provisions of section 540.18 apply to this section.

Subd. 4. CRIMINAL ACTION. The filing of a criminal complaint, conviction, or guilty plea is not a prerequisite to liability under this section. Payment or nonpayment may not be used as evidence in a criminal action.

Subd. 5. RECOVERY OF PROPERTY. The recovery of stolen property by a person does not affect liability under this section, other than liability for the value of the property.

Subd. 6. RIGHT TO DEMAND PAYMENT. A person may make a written demand for payment for the liability imposed by this section before beginning an action, including a copy of this section and a description of the liability contained in this section.

Approved April 12, 1988

New language is indicated by underline, deletions by ~~strikeout~~.