

(b) If the violation occurs within the municipality, and the city attorney appears in the action, the remaining one-third shall be paid to the highway user tax distribution fund.

(c) ~~In all cases~~ Except as provided in paragraph (d), when the attorney general appears in the action, all penalties imposed and fines collected shall be credited to the highway user tax distribution fund.

(d) If the violation occurs in Hennepin county, and the arrest or apprehension is made by the county sheriff, three-eighths of the civil penalty shall be credited to the general revenue fund of the county and the remaining five-eighths shall be credited to the highway user tax distribution fund.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Approved April 24, 1988

CHAPTER 607—H.F.No. 1681

An act relating to civil actions; clarifying the statute of limitations for damages based on services or construction to improve real property; clarifying the statute of limitations for asbestos actions; amending Minnesota Statutes 1986, section 541.051, subdivision 1; and Minnesota Statutes 1987 Supplement, section 541.22, subdivision 2.

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

Section 1. Minnesota Statutes 1986, section 541.051, subdivision 1, is amended to read:

Subdivision 1. (a) Except where fraud is involved, no action by any person in contract, tort, or otherwise 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 the injury, shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after discovery ~~thereof~~ of the injury or, in the case of an action for contribution or indemnity, accrual of the cause of action, nor, in any event shall such a cause of action accrue more than ten years after substantial completion of the construction. Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or the owner's representative can occupy or use the improvement for the intended purpose.

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

(b) For purposes of paragraph (a), a cause of action accrues upon discovery of the injury or, in the case of an action for contribution or indemnity, upon payment of a final judgment, arbitration award or settlement arising out of the defective and unsafe condition.

(c) Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.

Sec. 2. Minnesota Statutes 1987 Supplement, section 541.22, subdivision 2, is amended to read:

Subd. 2. **LIMITATION ON CERTAIN ASBESTOS ACTIONS.** Notwithstanding any other law to the contrary, an action ~~against a manufacturer or supplier of asbestos or material containing asbestos~~ to recover for (1) removal of asbestos or materials containing asbestos from a building, (2) other measures taken to locate, correct, or ameliorate any problem related to asbestos in a building, or (3) reimbursement for removal, correction, or amelioration of an asbestos problem that would otherwise be barred before July 1, 1990, as a result of expiration of the applicable period of limitation, is revived or extended. An asbestos action revived or extended under this subdivision may be begun before July 1, 1990.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment and apply to matters pending on or instituted on or after the effective date.

Approved April 24, 1988

CHAPTER 608—H.F.No. 1795

An act relating to human services; creating a task force to study building code standards for family and group family day care homes; changing building code requirements concerning certain child care facilities; allowing variance to rules for child care facilities in some circumstances; allowing use of double cylinder dead bolt locks in certain instances; amending Minnesota Statutes 1987 Supplement, sections 16B.61, subdivision 3; 245A.04, by adding a subdivision; and 245A.14, by adding subdivisions.

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

Section 1. Minnesota Statutes 1987 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of

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