

tion regarding a test performed for the reason set forth in clause (1) or (2) may be interpreted as excluding this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) or (2) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those described in clause (1) or (2), including any test to determine the presence of the human deficiency virus (HIV) antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:52 p.m.

CHAPTER 476—S.F.No. 2255

An act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

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

Section 1. POLLUTION COVERAGE AND FARM LIABILITY POLICIES STUDY.

The commissioner of commerce shall conduct a study of pollution coverage offered with or contained in Minnesota basic farm liability policies. The study must:

(1) identify the existing basic farm liability policies offered in the state, the extent to which these policies contain pollution exclusions or pollution liability coverage, and, if pollution liability coverage is provided, the limits of the pollution coverage and availability across the state;

(2) identify the range of farm pollution liability insurance beyond the basic farm liability policy available in the state, the limits and costs of the coverage, and assess whether the range of the policies available provides adequate protection for the farming community;

(3) analyze current industry practices, including the pollution liability claims experience for the insurance industry, the insurance industry's method of assessing pollution liability risk, and whether the risk assessment reflects best farming and insurance practices;

(4) assess the desirability of mandating pollution coverage in basic farm liability insurance, including whether defense costs should be included within the mandate, and taking into consideration the impacts and benefits to both the farming community and the insurance industry;

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

(5) assess the desirability of publishing a market guide for farmers that would provide market assistance to purchasers of farm liability coverage; and

(6) recommend other legislation or rule changes regarding pollution liability insurance that would strengthen both the farming community and the insurance industry.

The commissioner shall organize an advisory committee composed of representatives from the farming and insurance industries. Representatives from the farming community shall include, but not be limited to, the department of agriculture and statewide farm organizations. Representatives from the insurance industry shall include, but not be limited to, insurance companies that write farm liability policies and statewide insurance oriented organizations. The commissioner may incorporate recommendations made by members of the advisory committee in a report to the legislature and must deliver the report to the legislature by January 1, 1995.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:54 p.m.

CHAPTER 477—S.F.No. 2579

An act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Section 1. [325D.165] INJURY TO BUSINESS REPUTATION.

Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark or trade name shall be grounds for injunctive relief, regardless of the presence or the absence of competition between the parties or likelihood of confusion, mistake, or deception.

For the purposes of this section, the following terms have the meanings given them:

(1) "dilution" means the lessening of the capacity of an owner's mark to identify and distinguish goods or services; and

(2) "distinctive quality" means the mark is inherently distinctive or has acquired distinctiveness, and the mark is well known or famous.

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