

mail, or both, and by explaining that the consumer is relieved from any liability on the loan. The creditor shall also provide the consumer with a contact person to provide assistance if required; and

(3) upon submitting a completed confirmation statement to the creditor, the consumer who was the intended payee shall have no liability for the loan obligation, absent any fraud by that consumer.

Subd. 4. **FACSIMILE CHECKS.** No financial institution or other lender shall mail to a Minnesota resident a solicitation for a cash loan that includes a facsimile check payable to the addressee unless:

(1) the facsimile check contains on the front and back, in at least a 30-point bold font, the words:

"This is not a check";

(2) the opt-out provisions of United States Code, title 15, section 1681b(e), are noted by reference in printed materials that accompany the facsimile check; and

(3) the solicitation is mailed in an envelope that does not make it appear that a negotiable instrument is contained in the mailing.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective January 1, 1999.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:45 a.m.

CHAPTER 336—S.F.No. 330

An act relating to civil actions; providing limits on liability of certain private corrections treatment facilities that receive patients under court or administrative order; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Section 1. [604A.301] LIMITED LIABILITY FOR CERTAIN NONPROFIT TREATMENT FACILITIES.

Subdivision 1. **LIMIT ON AMOUNT OF LIABILITY.** A treatment facility organized as a nonprofit corporation under chapter 317A that accepts individuals for treatment under a court order or an order of the commissioner of corrections as part of an adult or juvenile corrections program is subject to the same liability limits provided for state agencies under section 3.736, subdivision 4, with respect to claims against the facility arising out of the treatment of those individuals or the activities of those individuals while in the care of the program, if the treatment facility procures insurance against liability for claims described under this section, which insurance is in an amount equal to the greater of \$500,000 per claim or occurrence or the amounts specified for the state under section

New language is indicated by underline, deletions by strikeout.

3.736, subdivision 4. This section does not apply if the conduct of a facility was intentional or grossly negligent.

Subd. 2. EFFECT OF EXCESS LIABILITY INSURANCE. Notwithstanding subdivision 1, if a treatment facility has insurance coverage in excess of the liability limits under section 3.736, subdivision 4, the procurement of that insurance constitutes a waiver of those limits but only to the extent that valid and collectible insurance exceeds those limits and covers a claim. The purchase of excess insurance has no other effect on the liability of the treatment facility.

Sec. 2. EFFECTIVE DATE; APPLICATION.

Section 1 is effective August 1, 1998, and applies to claims arising from incidents occurring on or after that date.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:45 a.m.

CHAPTER 337—S.F.No. 2493

An act relating to civil actions; limiting liability of financial institutions providing data for the criminal alert network; amending Minnesota Statutes 1996, section 299A.61, by adding a subdivision.

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

Section 1. Minnesota Statutes 1996, section 299A.61, is amended by adding a subdivision to read:

Subd. 3. LIMIT ON LIABILITY OF FINANCIAL INSTITUTIONS. A financial institution that provides or reasonably attempts to provide stolen, forged, or fraudulent check information for use by the crime alert network or law enforcement agencies investigating a crime is not liable to any person for disclosing the information, provided that the financial institution is acting in good faith.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:50 a.m.

CHAPTER 338—S.F.No. 2040

An act relating to family law; modifying provisions dealing with the procedure for proceeding directly to hearing in the administrative process; modifying terminology to comport with the rules of court; amending Minnesota Statutes 1997 Supplement, sections 518.5511, subdivisions 1, 3, 3a, and 4; and 518.5512, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1997 Supplement, section 518.5512, subdivision 3a.

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

Section 1. Minnesota Statutes 1997 Supplement, section 518.5511, subdivision 1, is amended to read:

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