

CHAPTER 71—S.F.No. 872

An act relating to civil actions; allocating joint and several liability in certain civil actions; amending Minnesota Statutes 2002, section 604.02, subdivision 1.

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

Section 1. Minnesota Statutes 2002, section 604.02, subdivision 1, is amended to read:

Subdivision 1. **JOINT LIABILITY.** When two or more persons are ~~jointly~~ severally liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that ~~each is~~ the following persons are jointly and severally liable for the whole award. ~~Except in cases where:~~

- (1) a person whose fault is greater than 50 percent;
- (2) two or more persons who act in a common scheme or plan that results in injury;
- (3) a person who commits an intentional tort; or
- (4) a person whose liability arises under chapters 18B - pesticide control, 115 - water pollution control, 115A - waste management, 115B - environmental response and liability, 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law for damage to the environment or the public health, any other environmental or public health law, or any environmental or public health ordinance or program of a municipality as defined in section 466.01, a person whose fault is 15 percent or less is liable for a percentage of the whole award no greater than four times the percentage of fault, including any amount reallocated to that person under subdivision 2.

If the state or a municipality as defined in section 466.01 is jointly liable, and its fault is less than 35 percent, it is jointly and severally liable for a percentage of the whole award no greater than twice the amount of fault, including any amount reallocated to the state or municipality under subdivision 2.

This section applies to claims arising from events that occur on or after August 1, 2003.

Presented to the governor May 16, 2003

Signed by the governor May 19, 2003, 1:36 p.m.

CHAPTER 72—H.F.No. 1095

An act relating to human services; extending the deadline for commencing construction for previously approved moratorium projects; providing for expired and canceled proposals; amending Minnesota Statutes 2002, section 144A.073, by adding subdivisions.

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