

CHAPTER 63—S.F.No. 249

An act relating to commerce; regulating the provision of certain goods and services of residential contractors; providing enforcement; amending Minnesota Statutes 2010, sections 325E.66; 326B.811, subdivision 1.

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

Section 1. Minnesota Statutes 2010, section 325E.66, is amended to read:

325E.66 INSURANCE CLAIMS FOR RESIDENTIAL ~~ROOFING~~ CONTRACTING GOODS AND SERVICES.

Subdivision 1. **Payment or rebate of insurance deductible.** A residential contractor providing the repair or replacement of residential roofing goods and services or siding to be paid by an insured from the proceeds of a property or casualty insurance policy shall not, as an inducement to the sale or provision of goods or services to an insured, advertise or promise to pay or rebate, directly or indirectly, all or part of any applicable insurance deductible or offer to compensate an insured for providing any service to the insured. If a residential contractor violates this section, the insurer to whom the insured tendered the claim shall not be obligated to consider the estimate prepared by the residential contractor.

For purposes of this section, "residential contractor" means a residential roofer, as defined in section 326B.802, subdivision 14; a residential contractor, as defined in section 326B.802, subdivision 11; and a residential remodeler, as defined in section 326B.802, subdivision 12; and a siding contractor registered under section 326B.802, subdivision 15.

Subd. 2. **~~Violation~~ Private remedy.** If a residential contractor violates subdivision 1, the insured or the applicable insurer may bring an action against the residential contractor in a court of competent jurisdiction for damages sustained by the insured or insurer as a consequence of the residential ~~roofer's~~ contractor's violation.

Subd. 3. **Public enforcement.** The commissioner of labor and industry shall enforce this section under sections 326B.081 to 326B.085.

Sec. 2. Minnesota Statutes 2010, section 326B.811, subdivision 1, is amended to read:

Subdivision 1. **Required.** A person who has entered into a written contract with a ~~contractor~~ residential roofer or a siding contractor registered under section 326B.802, subdivision 15, to provide ~~residential roofing~~ goods and services to be paid by the insured from the proceeds of a property or casualty insurance policy has the right to cancel the contract within 72 hours after the insured has been notified by the insurer that the claim has been denied. Cancellation is evidenced by the insured giving written notice of cancellation to the contractor at the address stated in the contract. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the contractor and postage prepaid. Notice of cancellation need not take a particular

form and is sufficient if it indicates, by any form of written expression, the intention of the insured not to be bound by the contract.

Presented to the governor May 23, 2011

Signed by the governor May 24, 2011, 2:27 p.m.