

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 518

(SENATE AUTHORS: KIFFMEYER)

DATE
02/01/2021

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to child care; establishing exemption from personal liability for municipality

1.3 officers or employees; removing exception for counties to be liable for claims at

1.4 family day care where county had actual knowledge of risk that led to claims;

1.5 amending Minnesota Statutes 2020, section 466.03, subdivision 6d.

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

1.7 Section 1. Minnesota Statutes 2020, section 466.03, subdivision 6d, is amended to read:

1.8 Subd. 6d. **Licensing of providers.** A claim against a municipality based on the failure

1.9 of a provider to meet the standards needed for a license to operate a day care facility under

1.10 chapter 245A for children, ~~unless the municipality had actual knowledge of a failure to meet~~

1.11 ~~licensing standards that resulted in a dangerous condition that foreseeably threatened the~~

1.12 ~~plaintiff.~~ A municipality shall be immune from liability for a claim arising out of a provider's

1.13 use of a swimming pool located at a family day care or group family day care home under

1.14 section 245A.14, subdivision 10, ~~unless the municipality had actual knowledge of a provider's~~

1.15 ~~failure to meet the licensing standards under section 245A.14, subdivision 10, paragraph~~

1.16 ~~(a), clauses (1) to (3), that resulted in a dangerous condition that foreseeably threatened the~~

1.17 ~~plaintiff~~ 11. An officer or employee of a municipality shall be immune from liability for a

1.18 claim based on the failure of a provider to meet the necessary standards for a license to

1.19 operate a day care facility for children under chapter 245A, unless the officer or employee

1.20 is found guilty of malfeasance in office, willful neglect of duty, or bad faith.