

**3050.2900 CONTRIBUTORY MISCONDUCT.**

The board shall deny or reduce, by a minimum of 25 percent, any claim submitted by or on behalf of a person who the board finds has engaged in any of the following acts or behavior that contributed to the injury for which the claim is filed:

- A. used fighting words, obscene or threatening gestures, or other provocation, including use of gang or hate group hand signs, colors, symbols, or statements;
- B. knowingly and willingly been in a vehicle operated by a person who is under the influence of alcohol or a controlled substance;
- C. consumed alcohol or a controlled substance or other mood altering substances;
- D. unlawfully possessed a controlled substance;
- E. planned, conspired, or attempted to unlawfully use, procure, distribute, or sell a controlled substance;
- F. was a confirmed member or associate of a gang or hate group; or
- G. failed to retreat or withdraw from a situation where an option to do so was readily available.

Any of these provisions may be waived in cases of domestic abuse or sexual assault.

**Statutory Authority:** *MS s 611A.56; 611A.60*

**History:** *13 SR 661; 23 SR 519; 31 SR 804*

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