

237.6

ARTICLE 13

237.7

OTHER CIVIL LAW POLICY

237.8 Section 1. Minnesota Statutes 2021 Supplement, section 169A.63, subdivision 8, is
237.9 amended to read:

237.10 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a
237.11 designated offense or used in conduct resulting in a designated license revocation is subject
237.12 to administrative forfeiture under this subdivision.

237.13 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
237.14 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
237.15 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
237.16 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
237.17 persons known to have an ownership, possessory, or security interest in the vehicle must
237.18 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
237.19 be registered under chapter 168, the notification to a person known to have a security interest
237.20 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
237.21 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
237.22 authority, a court may extend the time period for sending notice for a period not to exceed
237.23 90 days for good cause shown. Notice mailed by certified mail to the address shown in
237.24 Department of Public Safety records is sufficient notice to the registered owner of the
237.25 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
237.26 by certified mail to the address shown in the applicable filing or registration for the vehicle
237.27 is sufficient notice to a person known to have an ownership, possessory, or security interest
237.28 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
237.29 of a summons in a civil action.

237.30 (c) The notice must be in writing and contain:

237.31 (1) a description of the vehicle seized;

237.32 (2) the date of seizure; and

238.1 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
238.2 obtaining that judicial review, printed in English. This requirement does not preclude the
238.3 appropriate agency from printing the notice in other languages in addition to English.

238.4 Substantially the following language must appear conspicuously in the notice:

238.5 "WARNING: If you were the person arrested when the property was seized, you will
238.6 automatically lose the above-described property and the right to be heard in court if you do
238.7 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
238.8 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
238.9 file in district court. You do not have to pay a filing fee for your lawsuit.

238.10 WARNING: If you have an ownership interest in the above-described property and were
238.11 not the person arrested when the property was seized, you will automatically lose the
238.12 above-described property and the right to be heard in court if you do not notify the
238.13 prosecuting authority of your interest in writing within 60 days."

238.14 (d) If notice is not sent in accordance with paragraph (b), and no time extension is granted
238.15 or the extension period has expired, the appropriate agency shall return the vehicle to the
238.16 owner. An agency's return of property due to lack of proper notice does not restrict the
238.17 agency's authority to commence a forfeiture proceeding at a later time.

238.18 (e) Within 60 days following service of a notice of seizure and forfeiture under this
238.19 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
238.20 demand must be in the form of a civil complaint and must be filed with the court
238.21 administrator in the county in which the seizure occurred, together with proof of service of
238.22 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture.
238.23 The claimant may serve the complaint by certified mail or any means permitted by court
238.24 rules. If the value of the seized property is \$15,000 or less, the claimant may file an action
238.25 in conciliation court for recovery of the seized vehicle. A copy of the conciliation court
238.26 statement of claim ~~must~~ may be served personally or ~~by mail as permitted by the Rules of~~
238.27 Conciliation Court Procedure on the prosecuting authority having jurisdiction over the
238.28 forfeiture within 60 days following service of the notice of seizure and forfeiture under this
238.29 subdivision. The claimant does not have to pay the court filing fee.

238.30 No responsive pleading is required of the prosecuting authority and no court fees may
238.31 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
238.32 may appear for the appropriate agency. Pleadings, filings, and methods of service are
238.33 governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation
238.34 Court Procedure.

239.1 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
239.2 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
239.3 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
239.4 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
239.5 an action for the return of a vehicle seized under this section may not be maintained by or
239.6 on behalf of any person who has been served with a notice of seizure and forfeiture unless
239.7 the person has complied with this subdivision.

239.8 (g) If the claimant makes a timely demand for a judicial determination under this
239.9 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
239.10 9.

239.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

239.12 Sec. 2. Minnesota Statutes 2020, section 259.11, is amended to read:

239.13 **259.11 ORDER; FILING COPIES.**

239.14 (a) Upon meeting the requirements of section 259.10, the court shall grant the application
239.15 unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits
239.16 granting the name change; or (3) in the case of the change of a minor child's name, the court
239.17 finds that such name change is not in the best interests of the child. The court shall set forth
239.18 in the order the name and age of the applicant's spouse and each child of the applicant, if
239.19 any, and shall state a description of the lands, if any, in which the applicant and the spouse
239.20 and children, if any, claim to have an interest. The court administrator shall file such order,
239.21 and record the same in the judgment book. If lands be described therein, a certified copy of
239.22 the order shall be filed for record, by the applicant, with the county recorder of each county
239.23 wherein any of the same are situated. Before doing so the court administrator shall present
239.24 the same to the county auditor who shall enter the change of name in the auditor's official
239.25 records and note upon the instrument, over an official signature, the words "change of name
239.26 recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until
239.27 the applicant shall have paid to the county recorder and court administrator the fee required
239.28 by law. No application shall be denied on the basis of the marital status of the applicant.

239.29 (b) When a person applies for a name change, the court shall determine whether the
239.30 person has a criminal history in this or any other state. The court may conduct a search of
239.31 national records through the Federal Bureau of Investigation by submitting a set of
239.32 fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is
239.33 determined that the person has a criminal history in this or any other state, the court shall,
239.34 within ten days after the name change application is granted, report the name change to the
240.1 Bureau of Criminal Apprehension. The person whose name is changed shall also report the
240.2 change to the Bureau of Criminal Apprehension within ten days. The court granting the
240.3 name change application must explain this reporting duty in its order. Any person required
240.4 to report the person's name change to the Bureau of Criminal Apprehension who fails to
240.5 report the name change as required under this paragraph is guilty of a gross misdemeanor.

240.6 (c) Paragraph (b) does not apply to ~~either~~:

240.7 (1) a request for a name change as part of an application for a marriage license under
240.8 section 517.08; ~~or~~

240.9 (2) a request for a name change in conjunction with a marriage dissolution under section
240.10 518.27; or

240.11 (3) a request for a name change filed under section 259.14.

240.12 Sec. 3. **[259.14] POSTDISSOLUTION NAME CHANGE.**

240.13 (a) A person who has resided in this state for at least six months and obtained the person's
240.14 most recent final marriage dissolution from a district court in this state may apply to the
240.15 district court in the county where the person resides to change the person's name to the legal

240.16 name on the person's birth certificate. A person applying for a name change must submit a
240.17 certified copy of the certificate of dissolution issued pursuant to section 518.148 and a
240.18 certified copy of the person's birth certificate.

240.19 (b) A court shall not require a person applying for a name change to pay filing fees for
240.20 an application submitted pursuant to this section. Notwithstanding section 259.10, a court
240.21 shall not require the person applying for a name change to provide proof of the person's
240.22 identity by two witnesses unless the proof of identity is necessary to determine whether the
240.23 person has an intent to defraud or mislead the court.

240.24 (c) Upon meeting the requirements of this section, the court shall grant the application
240.25 for a name change unless the court finds that (1) the person has an intent to defraud or
240.26 mislead the court; or (2) section 259.13 prohibits granting the name change. The court shall
240.27 notify the person applying for a name change that using a different surname without
240.28 complying with section 259.13, if applicable, is a gross misdemeanor.

240.29 Sec. 4. **[325E.72] DIGITAL FAIR REPAIR.**

240.30 Subdivision 1. **Short title.** This act may be cited as the "Digital Fair Repair Act."

241.1 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
241.2 meanings given.

241.3 (b) "Authorized repair provider" means an individual or business who is unaffiliated
241.4 with an original equipment manufacturer and who has (1) an arrangement with the original
241.5 equipment manufacturer, for a definite or indefinite period, under which the original
241.6 equipment manufacturer grants to the individual or business a license to use a trade name,
241.7 service mark, or other proprietary identifier to offer the services of diagnosis, maintenance,
241.8 or repair of digital electronic equipment under the name of the original equipment
241.9 manufacturer, or (2) other arrangements with the original equipment manufacturer to offer
241.10 diagnostic, maintenance, or repair services on behalf of the original equipment manufacturer.
241.11 An original equipment manufacturer that offers diagnostic, maintenance, or repair services
241.12 for the original equipment manufacturer's digital electronic equipment is considered an
241.13 authorized repair provider with respect to the digital electronic equipment if the original
241.14 equipment manufacturer does not have an arrangement described in this paragraph with an
241.15 unaffiliated individual or business.

241.16 (c) "Digital electronic equipment" or "equipment" means any product that depends for
241.17 its functioning, in whole or in part, on digital electronics embedded in or attached to the
241.18 product.

241.19 (d) "Documentation" means a manual, diagram, reporting output, service code description,
241.20 schematic diagram, or similar information provided to an authorized repair provider to affect
241.21 the services of diagnosis, maintenance, or repair of digital electronic equipment.

241.22 (e) "Embedded software" means any programmable instructions provided on firmware
241.23 delivered with digital electronic equipment or with a part for the equipment to operate

241.24 equipment. Embedded software includes all relevant patches and fixes made by the
241.25 manufacturer of the equipment or part for these purposes.

241.26 (f) "Fair and reasonable terms" for obtaining a part, tool, or documentation means at
241.27 costs and terms, including convenience of delivery and rights of use, equivalent to what is
241.28 offered by the original equipment manufacturer to an authorized repair provider, using the
241.29 net costs that would be incurred by an authorized repair provider to obtain an equivalent
241.30 part, tool, or documentation from the original equipment manufacturer, accounting for any
241.31 discounts, rebates, or other incentive programs in arriving at the actual net costs. For
241.32 documentation, including any relevant updates, fair and reasonable terms means at no charge,
241.33 except that when the documentation is requested in physical printed form a fee for the
241.34 reasonable actual costs to prepare and send the copy may be charged.

242.1 (g) "Firmware" means a software program or set of instructions programmed on digital
242.2 electronic equipment or on a part for the equipment to allow the equipment or part to
242.3 communicate with other computer hardware.

242.4 (h) "Independent repair provider" means an individual or business operating in Minnesota
242.5 that (1) does not have an arrangement described in paragraph (b) with an original equipment
242.6 manufacturer, (2) is not affiliated with any individual or business that has an arrangement
242.7 described in paragraph (b), and (3) is engaged in the services of diagnosis, maintenance, or
242.8 repair of digital electronic equipment. An original equipment manufacturer or, with respect
242.9 to the original equipment manufacturer, an individual or business that has an arrangement
242.10 with the original equipment manufacturer or is affiliated with an individual or business that
242.11 has such an arrangement with that original equipment manufacturer is considered an
242.12 independent repair provider for purposes of the instances it engages in the services of
242.13 diagnosis, maintenance, or repair of digital electronic equipment that is not manufactured
242.14 by or sold under the name of the original equipment manufacturer.

242.15 (i) "Manufacturer of motor vehicle equipment" means a business engaged in the business
242.16 of manufacturing or supplying components used to manufacture, maintain, or repair a motor
242.17 vehicle.

242.18 (j) "Motor vehicle" means a vehicle that is designed to transport persons or property on
242.19 a street or highway and is certified by the manufacturer under all applicable federal safety
242.20 and emissions standards and requirements for distribution and sale in the United States.
242.21 Motor vehicle does not include:

242.22 (1) a motorcycle; or

242.23 (2) a recreational vehicle or an auto home equipped for habitation.

242.24 (k) "Motor vehicle dealer" means an individual or business that, in the ordinary course
242.25 of business, (1) is engaged in the business of selling or leasing new motor vehicles to an
242.26 individual or business pursuant to a franchise agreement, (2) has obtained a license under

242.27 section 168.27, and (3) is engaged in the services of diagnosis, maintenance, or repair of
242.28 motor vehicles or motor vehicle engines pursuant to the franchise agreement.

242.29 (l) "Motor vehicle manufacturer" means a business engaged in the business of
242.30 manufacturing or assembling new motor vehicles.

242.31 (m) "Original equipment manufacturer" means a business engaged in the business of
242.32 selling or leasing to any individual or business new digital electronic equipment manufactured
242.33 by or on behalf of the original equipment manufacturer.

243.1 (n) "Owner" means an individual or business that owns or leases digital electronic
243.2 equipment purchased or used in Minnesota.

243.3 (o) "Part" means any replacement part, either new or used, made available by an original
243.4 equipment manufacturer to affect the services of maintenance or repair of digital electronic
243.5 equipment manufactured or sold by the original equipment manufacturer.

243.6 (p) "Trade secret" has the meaning given in section 325C.01, subdivision 5.

243.7 Subd. 3. **Requirements.** (a) For digital electronic equipment and parts for the equipment
243.8 sold or used in Minnesota, an original equipment manufacturer must make available on fair
243.9 and reasonable terms any documentation, parts, and tools, inclusive of any updates to
243.10 information or embedded software, to any independent repair provider or to the owner of
243.11 digital electronic equipment manufactured by or on behalf of, or sold by, the original
243.12 equipment manufacturer for purposes of diagnosis, maintenance, or repair. Nothing in this
243.13 section requires an original equipment manufacturer to make available a part if the part is
243.14 no longer available to the original equipment manufacturer.

243.15 (b) For equipment that contains an electronic security lock or other security-related
243.16 function, the original equipment manufacturer must make available to the owner and to
243.17 independent repair providers, on fair and reasonable terms, any special documentation,
243.18 tools, and parts needed to reset the lock or function when disabled in the course of diagnosis,
243.19 maintenance, or repair of the equipment. Documentation, tools, and parts may be made
243.20 available through appropriate secure release systems.

243.21 Subd. 4. **Enforcement by attorney general.** A violation of this section is an unlawful
243.22 practice under section 325D.44. All remedies, penalties, and authority granted to the attorney
243.23 general under chapter 8 are available to the attorney general to enforce this section.

243.24 Subd. 5. **Limitations.** (a) Nothing in this section requires an original equipment
243.25 manufacturer to divulge a trade secret to an owner or an independent service provider,
243.26 except as necessary to provide documentation, parts, and tools on fair and reasonable terms.

243.27 (b) Nothing in this section alters the terms of any arrangement described in subdivision
243.28 2, paragraph (b), in force between an authorized repair provider and an original equipment
243.29 manufacturer, including but not limited to the performance or provision of warranty or recall
243.30 repair work by an authorized repair provider on behalf of an original equipment manufacturer
243.31 pursuant to such arrangement. A provision in the terms of an arrangement described in

243.32 subdivision 2, paragraph (b), that purports to waive, avoid, restrict, or limit the original
243.33 equipment manufacturer's obligations to comply with this section is void and unenforceable.

244.1 (c) Nothing in this section requires an original equipment manufacturer or an authorized
244.2 repair provider to provide to an owner or independent repair provider access to information,
244.3 other than documentation, that is provided by the original equipment manufacturer to an
244.4 authorized repair provider pursuant to the terms of an arrangement described in subdivision
244.5 2, paragraph (b).

244.6 Subd. 6. **Exclusions.** (a) Nothing in this section applies to (1) a motor vehicle
244.7 manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in
244.8 that capacity, or (2) any product or service of a motor vehicle manufacturer, manufacturer
244.9 of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

244.10 (b) Nothing in this section applies to manufacturers or distributors of a medical device
244.11 as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section
244.12 301 et seq., or a digital electronic product or software manufactured for use in a medical
244.13 setting, including diagnostic, monitoring, or control equipment or any product or service
244.14 that they offer.

244.15 Subd. 7. **Applicability.** This section applies to equipment sold or in use on or after
244.16 January 1, 2023.

244.17 **EFFECTIVE DATE.** This section is effective January 1, 2023.

244.18 Sec. 5. Minnesota Statutes 2020, section 357.17, is amended to read:

244.19 **357.17 NOTARIES PUBLIC.**

244.20 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

244.21 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
244.22 bill; where protest is legally necessary, and copy thereof, \$5;

244.23 (2) for every other protest and copy, \$5;

244.24 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
244.25 and copy thereof, \$5;

244.26 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
244.27 \$1 per folio for copies;

244.28 (5) for each oath administered, \$5;

244.29 (6) for acknowledgments of deeds and for other services authorized by law, the legal
244.30 fees allowed other officers for like services;

245.1 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
245.2 folio.

245.3 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
245.4 paragraph (a) if the notary is commissioned pursuant to chapter 359.

245.5 Sec. 6. Minnesota Statutes 2020, section 359.04, is amended to read:

245.6 **359.04 POWERS.**

245.7 Every notary public so appointed, commissioned, and qualified shall have power
245.8 throughout this state to administer all oaths required or authorized to be administered in
245.9 this state; to take and certify all depositions to be used in any of the courts of this state; to
245.10 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
245.11 other instruments in writing or electronic records; to receive, make out, and record notarial
245.12 protests; to perform civil marriages consistent with this chapter and chapter 517; and to
245.13 perform online remote notarial acts in compliance with the requirements of sections 358.645
245.14 and 358.646.

245.15 Sec. 7. **[359.115] CIVIL MARRIAGE OFFICIANT.**

245.16 A notary public shall have the power to solemnize civil marriages throughout the state
245.17 if the notary public has filed a copy of the notary public's notary commission with the local
245.18 registrar of a county in this state. When a local registrar records a commission for a notary
245.19 public, the local registrar shall provide a certificate of filing to the notary whose commission
245.20 is recorded. A notary public shall endorse and record the county where the notary public's
245.21 commission is recorded upon each certificate of civil marriage granted by the notary.

245.22 Sec. 8. Minnesota Statutes 2020, section 517.04, is amended to read:

245.23 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

245.24 Civil marriages may be solemnized throughout the state by an individual who has attained
245.25 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
245.26 a court administrator, a retired court administrator with the approval of the chief judge of
245.27 the judicial district, a former court commissioner who is employed by the court system or
245.28 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
245.29 notary commissioned pursuant to chapter 359, the residential school superintendent of the
245.30 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
245.31 licensed or ordained minister of any religious denomination, or by any mode recognized in
246.1 section 517.18. For purposes of this section, a court of record includes the Office of
246.2 Administrative Hearings under section 14.48.

246.3 Sec. 9. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

246.4 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
246.5 examine upon oath the parties applying for a license relative to the legality of the
246.6 contemplated civil marriage. Examination upon oath of the parties under this section may
246.7 include contemporaneous video or audio transmission or receipt of a verified statement
246.8 signed by both parties attesting to the legality of the marriage. The local registrar may accept
246.9 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic

246.10 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~
246.11 ~~appear in person, the party appearing may complete the absent applicant's information. The~~
246.12 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~
246.13 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~
246.14 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~
246.15 ~~age of the party. The civil marriage license must not be released until the verification~~
246.16 ~~statement and~~ proof of age has been received by the local registrar. If the local registrar is
246.17 satisfied that there is no legal impediment to it, including the restriction contained in section
246.18 259.13, the local registrar shall issue the license, containing the full names of the parties
246.19 before and after the civil marriage, and county and state of residence, with the county seal
246.20 attached, and make a record of the date of issuance. The license shall be valid for a period
246.21 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
246.22 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
246.23 required, and preparing and transmitting to the state registrar of vital records the reports of
246.24 civil marriage required by this section. If the license should not be used within the period
246.25 of six months due to illness or other extenuating circumstances, it may be surrendered to
246.26 the local registrar for cancellation, and in that case a new license shall issue upon request
246.27 of the parties of the original license without fee. A local registrar who knowingly issues or
246.28 signs a civil marriage license in any manner other than as provided in this section shall pay
246.29 to the parties aggrieved an amount not to exceed \$1,000.

246.30 (b) The civil marriage license fee for parties who have completed at least 12 hours of
246.31 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
246.32 submit at the time of applying for the civil marriage license a statement that is signed, dated,
246.33 and notarized or marked with a church seal from the person who provided the premarital
246.34 education on their letterhead confirming that it was received. The premarital education must
246.35 be provided by a licensed or ordained minister or the minister's designee, a person authorized
247.1 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
247.2 and family therapy under section 148B.33. The education must include the use of a premarital
247.3 inventory and the teaching of communication and conflict management skills.

247.4 (c) The statement from the person who provided the premarital education under paragraph
247.5 (b) must be in the following form:

247.6 "I, (name of educator), confirm that (names of both
247.7 parties) received at least 12 hours of premarital education that included the use of a premarital
247.8 inventory and the teaching of communication and conflict management skills. I am a licensed
247.9 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
247.10 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
247.11 Minnesota Statutes, section 148B.33."

247.12 The names of the parties in the educator's statement must be identical to the legal names
247.13 of the parties as they appear in the civil marriage license application. Notwithstanding
247.14 section 138.17, the educator's statement must be retained for seven years, after which time
247.15 it may be destroyed.

247.16 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
247.17 shall grant the civil marriage license without the requested name change. Alternatively, the
247.18 local registrar may delay the granting of the civil marriage license until the party with the
247.19 conviction:

247.20 (1) certifies under oath that 30 days have passed since service of the notice for a name
247.21 change upon the prosecuting authority and, if applicable, the attorney general and no
247.22 objection has been filed under section 259.13; or

247.23 (2) provides a certified copy of the court order granting it. The parties seeking the civil
247.24 marriage license shall have the right to choose to have the license granted without the name
247.25 change or to delay its granting pending further action on the name change request.

247.26 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

247.27 Sec. 10. Minnesota Statutes 2020, section 604.21, is amended to read:

247.28 **604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES**
247.29 **CONTRACTS VOID.**

247.30 (a) A provision contained in, or executed in connection with, a design professional
247.31 services contract is void and unenforceable to the extent it attempts to require an indemnitor
247.32 to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss
248.1 or damage resulting from the negligence or fault of anyone other than the indemnitor or
248.2 others for whom the indemnitor is legally liable.

248.3 (b) For purposes of this section, "design professional services contract" means a contract
248.4 under which some portion of the work or services is to be performed or supervised by a
248.5 person licensed under section 326.02, and is furnished in connection with any actual or
248.6 proposed maintenance of or improvement to real property, highways, roads, or bridges.

248.7 (c) This section does not apply to the extent that the obligation to indemnify, to hold
248.8 harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.

248.9 (d) This section does not apply to agreements referred to in section 337.03 or 337.04.

248.10 (e) A provision contained in, or executed in connection with, a design professional
248.11 services contract for any actual or proposed maintenance of, or improvement to, real property,
248.12 highways, roads, or bridges located in Minnesota that makes the contract subject to the laws
248.13 of another state or requires that any litigation, arbitration, or other dispute resolution process
248.14 on the contract occur in another state is void and unenforceable.

248.15 (f) This section supersedes any other inconsistent provision of law.

248.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

248.17 Sec. 11. Minnesota Statutes 2021 Supplement, section 609.5314, subdivision 3, is amended
248.18 to read:

248.19 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
248.20 seizure and forfeiture under this section, a claimant may file a demand for a judicial
248.21 determination of the forfeiture. The demand must be in the form of a civil complaint and
248.22 must be filed with the court administrator in the county in which the seizure occurred,
248.23 together with proof of service of a copy of the complaint on the prosecuting authority for
248.24 that county. The claimant may serve the complaint on the prosecuting authority by certified
248.25 mail or any means permitted by court rules. If the value of the seized property is \$15,000
248.26 or less, the claimant may file an action in conciliation court for recovery of the seized
248.27 property. A copy of the conciliation court statement of claim may be served personally or
248.28 as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority
248.29 having jurisdiction over the forfeiture within 60 days following service of the notice of
248.30 seizure and forfeiture under this subdivision. The claimant does not have to pay the court
248.31 filing fee. No responsive pleading is required of the prosecuting authority and no court fees
248.32 may be charged for the prosecuting authority's appearance in the matter. The district court
248.33 administrator shall schedule the hearing as soon as practicable after, and in any event no
249.1 later than 90 days following, the conclusion of the criminal prosecution. The proceedings
249.2 are governed by the Rules of Civil Procedure and, where applicable, by the Rules of
249.3 Conciliation Court Procedure.

249.4 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
249.5 seized property as defendant, and must state with specificity the grounds on which the
249.6 claimant alleges the property was improperly seized and the plaintiff's interest in the property
249.7 seized. Notwithstanding any law to the contrary, an action for the return of property seized
249.8 under this section may not be maintained by or on behalf of any person who has been served
249.9 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

249.10 (c) If the claimant makes a timely demand for judicial determination under this
249.11 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
249.12 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
249.13 apply to the judicial determination.

249.14 (d) If a demand for judicial determination of an administrative forfeiture is filed under
249.15 this subdivision and the court orders the return of the seized property, the court may order
249.16 sanctions under section 549.211. If the court orders payment of these costs, they must be
249.17 paid from forfeited money or proceeds from the sale of forfeited property from the appropriate
249.18 law enforcement and prosecuting agencies in the same proportion as they would be distributed
249.19 under section 609.5315, subdivision 5.

249.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

249.21 Sec. 12. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

249.22 Subd. 2. **Restraining order; court jurisdiction.** (a) A person who is a victim of
249.23 harassment or the victim's guardian or conservator may seek a restraining order from the
249.24 district court in the manner provided in this section.

249.25 (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of
249.26 harassment may seek a restraining order from the district court on behalf of the minor.

249.27 (c) A minor may seek a restraining order if the minor demonstrates that the minor is
249.28 emancipated and the court finds that the order is in the best interests of the emancipated
249.29 minor. A minor demonstrates the minor is emancipated by a showing that the minor is living
249.30 separate and apart from parents and managing the minor's own financial affairs, and shows,
249.31 through an instrument in writing or other agreement or by the conduct of the parties, that
249.32 all parents who have a legal parent and child relationship with the minor have relinquished
249.33 control and authority over the minor.

250.1 (d) An application for relief under this section may be filed in the county of residence
250.2 of either party or in the county in which the alleged harassment occurred. There are no
250.3 residency requirements that apply to a petition for a harassment restraining order.

250.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.