

CHAPTER 604B

THE YEAR 2000 CONSUMER PROTECTION ACT

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604B.01 DEFINITIONS.

Subdivision 1. **Terms.** For purposes of this chapter, the terms in this section have the meanings given them.

Subd. 2. **Electronic computing device.** "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system that:

(1) is used to capture, store, manipulate, or process data; or

(2) controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer but that relies on automation or digital technology to function, including, but not limited to, vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, and factory machinery.

Subd. 3. **Person.** "Person" means a natural person or a small business as defined in section 645.445.

Subd. 4. **Year 2000 problem.** "Year 2000 problem" means disruptions in electronic communications or the functioning of electronically controlled equipment resulting or reasonably anticipated to result from erroneous data that is or may be supplied by electronic devices in 1999 or on or after January 1, 2000.

History: 1999 c 234 s 1

604B.02 RIGHT TO AFFIRMATIVE DEFENSE BASED ON YEAR 2000 FAILURE.

(a) A person has an affirmative defense to any claim or action brought against the person if the person establishes that the person's default, failure to pay, breach, omission, or other violation that is the basis of the claim against the person was caused by a year 2000 problem associated with an electronic computing device that is not owned, controlled, or operated by the person, and, if it were not for the year 2000 problem, the person would have been able to satisfy the obligations that are the basis of the claim.

(b) If a person establishes an affirmative defense as set forth in paragraph (a), the court shall dismiss the claim without prejudice and the person or entity making the claim against the person shall not reassert the claim as to which the affirmative defense was asserted for a period of 60 days from the date on which the affirmative defense is granted by the court. Any statute of limitations applicable to the claim is tolled for 90 days upon the granting of the affirmative defense under this section.

(c) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to the year 2000 date change.

(d) The granting of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted; except that, the inability of a party to bring the claim based upon the obligation must be delayed as set forth in paragraph (b).

(e) A consumer may dispute directly with, or report to, a consumer reporting agency any item of information in the individual's consumer report resulting from a year 2000 problem, including any negative credit information resulting from the inability of the consumer to transact financial business and make payments due to a year 2000 problem. In responding to this dispute or report, a consumer reporting agency shall:

(1) comply with all duties under chapter 13C and the federal Fair Credit Reporting Act, United States Code, title 15, sections 1681 to 1681u; and

(2) if requested by the consumer, indicate in each consumer report that includes negative credit information a notation that the consumer reported that the item of information resulted from a year 2000 problem.

History: 1999 c 234 s 2

604B.03 TITLE; EXPIRATION.

This chapter shall be known as the Year 2000 Consumer Protection Act. This chapter expires July 1, 2000.

History: 1999 c 234 s 3

604B.04 YEAR 2000 ACTIVITIES; IMMUNITY.

Subdivision 1. **Definitions.** For the purpose of this section, the terms defined in this section have the meanings given them.

Subd. 2. **Association.** "Association" means a trade, professional, governmental, or similar organization the members of which are individuals, enterprises, or governmental units engaged in similar lines of business, services, or activity.

Subd. 3. **State agency.** "State agency" means the University of Minnesota, Minnesota state colleges and universities, and the departments, boards, agencies, and commissions in the executive, judicial, and legislative branches.

Subd. 4. **Year 2000 solution information.** "Year 2000 solution information" means information related to solutions that address the inability of computer systems, software, or electronically controlled devices to recognize certain dates in 1999 and after December 31, 1999. That inability may cause disruptions in electronic communications or the functioning of electronically controlled equipment resulting or reasonably anticipated to result from erroneous data that is or may be supplied by electronic devices.

Subd. 5. **Association and related immunity.** No cause of action may be maintained against an association for damages or harm resulting from the collection of year 2000 solution information or the publication of that information or against any person or entity for providing year 2000 solution information to the association.

Subd. 6. **State agency immunity.** No cause of action may be maintained against a state agency for damages or harm resulting from the collection of year 2000 solution information or the publication of that information.

Subd. 7. **Governmental unit immunity.** No cause of action may be maintained against a governmental unit as defined in section 462.384, subdivision 2, including governmental units acting jointly under section 471.59, for damages or harm resulting from the collection, publication, or dissemination of year 2000 solution information to other governmental units or to the metropolitan council or agencies.

Subd. 8. **Exception.** Subdivisions 5 to 7 do not apply if the party against whom the claim is brought knew in fact that the year 2000 solution information provided was materially false.

Subd. 9. **No implied cause of action created.** No liability on the part of any person or any public or private entity is implied or created by this section by the absence of a grant of immunity under this section.

History: 1999 c 250 art 2 s 3