CHAPTER 554

FREE SPEECH; PARTICIPATION IN GOVERNMENT

554.07 SHORT TITLE.
554.08 SCOPE.
554.09 SPECIAL MOTION FOR EXPEDITED RELIEF.
554.10 STAY.
554.11 HEARING.
554.12 PROOF.
554.13 DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART.
554.14 RULING.
554.15 APPEAL.
554.16 COSTS, ATTORNEY FEES, AND EXPENSES.
554.17 CONSTRUCTION.
554.18 UNIFORMITY OF APPLICATION AND CONSTRUCTION.
554.19 SAVINGS CLAUSE.
554.20 NO WAIVER OF OTHER PLEADINGS OR DEFENSES.

554.01 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.02 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.03 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.04 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.045 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.05 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.06 MS 2022 [Repealed, 2024 c 123 art 18 s 16]

554.07 SHORT TITLE.

Sections 554.07 to 554.19 may be cited as the "Uniform Public Expression Protection Act."

History: *2024 c 123 art 18 s 1*

554.08 SCOPE.

(a) For the purposes of sections 554.07 to 554.19, the terms in this section have the meanings given them.

(1) "Goods or services" does not include the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work.

(2) "Governmental unit" means a public corporation or government or governmental subdivision, agency, or instrumentality.

(3) "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

(b) Except as otherwise provided in paragraph (c), sections 554.07 to 554.19 apply to a cause of action asserted in a civil action against a person based on the person's:

(1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Minnesota Constitution on a matter of public concern.

(c) Sections 554.07 to 554.19 do not apply to a cause of action:

(1) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety;

(3) against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services;

(4) against a person named in a civil suit brought by a victim of a crime against a perpetrator;

(5) against a person named in a civil suit brought to establish or declare real property possessory rights, use of real property, recovery of real property, quiet title to real property, or related claims relating to real property;

(6) seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action, unless the claims involve damage to reputation;

(7) brought under the insurance code or arising out of an insurance contract;

(8) based on a common law fraud claim;

(9) brought under chapters 517 to 519A; or counterclaims based on a criminal no-contact order pursuant to section 629.72 or 629.75; for or based on an antiharassment order or a sexual assault protection order under section 518B.01; or for or based on a vulnerable adult protection order for crimes against the vulnerable adult under sections 609.232, 609.2325, 609.233, 609.2335, and 609.234;

(10) brought under chapters 175, 177, 178, 179, and 179A; negligent supervision, retention, or infliction of emotional distress unless the claims involve damage to reputation; wrongful discharge in violation of public policy; whistleblowing; or enforcement of employee rights under civil service, collective bargaining, or handbooks and policies;

(11) brought under consumer protection, chapter 325F or 325G; or

(12) for any claim brought under federal law.

(d) Sections 554.07 to 554.19 apply to a cause of action asserted under paragraph (c), clause (3), (8), or (11), when the cause of action is:

(1) a legal action against a person arising from any act of that person, whether public or private, related to the gathering, receiving, posting, or processing of information for communication to the public, whether or not the information is actually communicated to the public, for the creation, dissemination, exhibition, or advertisement or other similar promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work, including audiovisual work regardless of the means of distribution, a motion picture, a television or radio program, or an article published in a newspaper, website, magazine, or other platform, no matter the method or extent of distribution; or

(2) a legal action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluations of consumer complaints, or reviews or ratings of businesses.

History: *2024 c 123 art 18 s 2*

554.09 SPECIAL MOTION FOR EXPEDITED RELIEF.

Not later than 60 days after a party is served with a complaint, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which sections 554.07 to 554.19 apply, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

History: *2024 c 123 art 18 s 3*

554.10 STAY.

(a) Except as otherwise provided in paragraphs (d) to (g), on the filing of a motion under section 554.09:

(1) all other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

(2) on motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 554.09.

(b) A stay under paragraph (a) remains in effect until entry of an order ruling on the motion under section 554.09 and expiration of the time under section 554.15 for the moving party to appeal the order.

(c) Except as otherwise provided in paragraphs (e), (f), and (g), if a party appeals from an order ruling on a motion under section 554.09, all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

(d) During a stay under paragraph (a), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 554.13, paragraph (a), and the information is not reasonably available unless discovery is allowed.

(e) A motion under section 554.16 for costs, attorney fees, and expenses is not subject to a stay under this section.

(f) A stay under this section does not affect a party's ability voluntarily to dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(g) During a stay under this section, the court for good cause may hear and rule on:

(1) a motion unrelated to the motion under section 554.09; and

(2) a motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

History: *2024 c 123 art 18 s 4*

554.11 HEARING.

(a) The court shall hear a motion under section 554.09 not later than 60 days after filing of the motion, unless the court orders a later hearing:

(1) to allow discovery under section 554.10, paragraph (d); or

(2) for other good cause.

(b) If the court orders a later hearing under paragraph (a), clause (1), the court shall hear the motion under section 554.09 not later than 60 days after the court order allowing the discovery, unless the court orders a later hearing under paragraph (a), clause (2).

History: *2024 c 123 art 18 s 5*

554.12 PROOF.

In ruling on a motion under section 554.09, the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment under Minnesota Rules of Civil Procedure 56.03.

History: *2024 c 123 art 18 s 6*

554.13 DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART.

(a) In ruling on a motion under section 554.09, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

(1) the moving party establishes under section 554.08, paragraph (b), that sections 554.07 to 554.19 apply;

(2) the responding party fails to establish under section 554.08, paragraph (c), that sections 554.07 to 554.19 do not apply; and

(3) either:

(i) the responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(ii) the moving party establishes that:

(A) the responding party failed to state a cause of action upon which relief can be granted; or

(B) there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(b) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 554.09 does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and expenses under section 554.16.

(c) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 554.09 establishes for the purpose of section 554.16 that the moving party prevailed on the motion.

History: *2024 c 123 art 18 s 7*

554.14 RULING.

The court shall rule on a motion under section 554.09 not later than 60 days after a hearing under section 554.11.

History: *2024 c 123 art 18 s 8*

554.15 APPEAL.

A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion under section 554.09. The appeal must be filed not later than 30 days after entry of the order.

History: *2024 c 123 art 18 s 9*

554.16 COSTS, ATTORNEY FEES, AND EXPENSES.

On a motion under section 554.09, the court shall award court costs, reasonable attorney fees, and reasonable litigation expenses related to the motion:

(1) to the moving party if the moving party prevails on the motion; or

(2) to the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

History: *2024 c 123 art 18 s 10*

554.17 CONSTRUCTION.

Sections 554.07 to 554.19 must be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or Minnesota Constitution.

History: *2024 c 123 art 18 s 11*

554.18 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

History: *2024 c 123 art 18 s 12*

554.19 SAVINGS CLAUSE.

Sections 554.07 to 554.19 do not affect a cause of action asserted before May 25, 2024, in a civil action or a motion under Minnesota Statutes 2022, sections 554.01 to 554.06, regarding the cause of action.

History: *2024 c 123 art 18 s 13*

554.20 NO WAIVER OF OTHER PLEADINGS OR DEFENSES.

A special motion for expedited relief under sections 554.07 to 554.19 is not meant to waive a defense or preclude the filing of another pleading or motion regarding the cause of action.

History: *2024 c 123 art 18 s 14*