270C.27 CIVIL DAMAGES FOR FAILURE TO RELEASE LIEN.

Subdivision 1. **In general.** (a) A taxpayer may bring a civil action for damages against the commissioner in district court when an employee or the department has knowingly or negligently:

(1) failed to release a lien as required by section 270C.63, subdivision 15; or

(2) failed to release a lien within 30 days after satisfaction of the liability on which the lien is based.

(b) An action under paragraph (a), clause (2), must be preceded by 30 days' written notice by the taxpayer to the commissioner and the taxpayer's rights advocate that the lien has not been released. An action under paragraph (a) must be commenced within two years after the date the right of action accrued.

Subd. 2. **Damages.** On a finding of liability on the part of the defendant in an action brought under subdivision 1, the defendant is liable to the plaintiff in an amount equal to the sum of actual, direct economic damages sustained by the plaintiff due to the actions of the defendant, plus the costs of the action. Damages must be paid in accordance with section 3.736, subdivision 7.

Subd. 3. **Mitigation of damages.** Damages awarded must be reduced by the amount of the damages that could reasonably have been mitigated by the plaintiff.

History: *2005 c 151 art 1 s 24; 1Sp2005 c 3 art 11 s 2*