363A.31 LIMITATIONS ON WAIVER.

Subdivision 1. **Prospective waiver prohibited.** Any provision, whether oral or written, of a lease, contract, or other agreement or instrument which purports to be a waiver by an individual of any right or remedy provided in this chapter is contrary to public policy and void if the waiver or release purports to waive claims arising out of acts or practices which occur after the execution of the waiver or release.

[See Note.]

Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this chapter which purports to apply to claims arising out of acts or practices prior to, or concurrent with, the execution of the waiver or release may be rescinded within 15 calendar days of its execution, except that a waiver or release given in settlement of a claim filed with the department or with another administrative agency or judicial body is valid and final upon execution. A waiving or releasing party shall be informed in writing of the right to rescind the waiver or release. To be effective, the rescission must be in writing and delivered to the waived or released party by hand, electronically with the receiving party's consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

(1) postmarked within the 15-day period;

(2) properly addressed to the waived or released party; and

(3) sent by certified mail return receipt requested.

History: *1984 c 567 s 1; 1985 c 175 s 1; 1Sp2021 c 11 art 3 s 16*

NOTE: Subdivision 1 (formerly section 363.031) was found preempted by federal law with regard to arbitration agreements in *Johnson v. Piper Jaffray, Inc.*, 530 N.W.2d 790 (Minn. 1995).