

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 792

02/21/2013 Authored by Holberg, Melin, Lesch, Hortman, Yarusso and others
The bill was read for the first time and referred to the Committee on Civil Law
03/18/2013 Adoption of Report: Pass and Read Second Time
05/16/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to civil actions; prohibiting waivers of liability for negligent conduct;
1.3 proposing coding for new law in Minnesota Statutes, chapter 604.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[604.055] WAIVER OF LIABILITY FOR NEGLIGENT CONDUCT.**

1.6 **Subdivision 1. Certain agreements are void and unenforceable.** An agreement
1.7 between parties for a consumer service, including a recreational activity, that purports to
1.8 release, limit, or waive the liability of one party for damage, injuries, or death resulting
1.9 from conduct that constitutes greater than ordinary negligence is against public policy and
1.10 void and unenforceable.

1.11 The agreement, or portion thereof, is severable from a release, limitation, or waiver
1.12 of liability for damage, injuries, or death resulting from conduct that constitutes ordinary
1.13 negligence or for risks that are inherent in a particular activity.

1.14 **Subd. 2. Party or parties.** For the purposes of this section, "party" or "parties"
1.15 includes a person, agent, servant, or employee of that party or parties, and includes a
1.16 minor or another who is authorized to sign or accept the agreement on behalf of the minor.

1.17 **Subd. 3. Other void and unenforceable agreements.** This section does not prevent
1.18 a court from finding that an agreement is void and unenforceable as against public policy
1.19 on other grounds or under other law.

1.20 **Subd. 4. Nonapplication to certain claims.** This section does not apply to claims
1.21 against the state pursuant to section 3.736 or a municipality pursuant to section 466.02.

1.22 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
1.23 agreements signed or accepted on or after that date.