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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1542**

- 02/22/2017 Authored by Smith, Fischer, Swedzinski, Kresha, Scott and others  
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
- 03/08/2017 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time
- 04/27/2017 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
- 05/09/2017 Refused to concur and a Conference Committee was appointed

1.1 A bill for an act  
1.2 relating to human rights; amending notice provisions for actions involving  
1.3 architectural barriers; amending Minnesota Statutes 2016, section 363A.331,  
1.4 subdivisions 2, 5.

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

1.6 Section 1. Minnesota Statutes 2016, section 363A.331, subdivision 2, is amended to read:

1.7 Subd. 2. **Notice of architectural barrier.** (a) ~~A notice sent before filing a civil action~~  
1.8 ~~with the court by an attorney representing a person who alleges that a business establishment~~  
1.9 ~~or place of public accommodation has violated an accessibility requirement under law~~ Before  
1.10 bringing a civil action under section 363A.33, an attorney representing a person who alleges  
1.11 that a business establishment or place of public accommodation has violated accessibility  
1.12 requirements under law must provide a notice of architectural barrier consistent with  
1.13 subdivision 3. The notice of architectural barrier must be dated and must:

- 1.14 (1) cite the law alleged to be violated;
- 1.15 (2) identify each architectural barrier that is the subject of an alleged violation and specify  
1.16 its location on the premises;
- 1.17 (3) provide a reasonable time for a response, which may not be less than ~~30~~ 60 days;
- 1.18 and
- 1.19 (4) comply with subdivision 3.

1.20 (b) Before bringing a civil action under section 363A.33 alleging that a business  
1.21 establishment or place of public accommodation has violated accessibility requirements  
1.22 under law, a person who is not represented by an attorney must provide a written notice in

2.1 any form to a business establishment or place of public accommodation of architectural  
 2.2 barrier that:

2.3 (1) must be dated;

2.4 (2) includes the name and address of the person;

2.5 (3) indicates the name and location of the business establishment or place of public  
 2.6 accommodation;

2.7 (4) describes the architectural barrier; and

2.8 (5) provides a reasonable time for a response, which may not be less than 60 days.

2.9 (c) A notice described in ~~paragraph~~ paragraphs (a) and (b) must not include a request  
 2.10 or demand for money or an offer or agreement to accept money, but may offer to engage  
 2.11 in settlement negotiations before litigation. ~~If a notice is sent, a civil action may not be filed~~  
 2.12 ~~before expiration of the period to respond provided in the notice.~~

2.13 (d) A civil action may not be brought before expiration of the period to respond provided  
 2.14 in the notice under paragraph (a), clause (3), or paragraph (b), clause (5). A civil action may  
 2.15 be brought after the response time provided in the notice.

2.16 (e) If, within the time period provided in the notice under paragraphs (a) and (b), the  
 2.17 business establishment or place of public accommodation provides written notice to the  
 2.18 person or the attorney of the person alleging the violation that weather prevents the  
 2.19 architectural barrier from being removed within such time then a civil action may not be  
 2.20 brought until 90 days after the date of the initial notice under paragraphs (a) and (b).

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 2.22 applies to civil actions brought under chapter 363A on or after that date.

2.23 Sec. 2. Minnesota Statutes 2016, section 363A.331, subdivision 5, is amended to read:

2.24 Subd. 5. **Exemptions.** (a) Subdivisions 2 and 3 do not apply to:

2.25 ~~(1) a person who is not represented by an attorney; or~~

2.26 ~~(2) attorneys representing the state or a political subdivision of the state.~~

2.27 (b) ~~This section does~~ Subdivisions 2 and 3 do not ~~bar~~ apply to a person ~~from~~ bringing  
 2.28 an action if the person:

2.29 (1) is challenging a finding contained in an audit prepared by a certified professional;

2.30 (2) has a claim for damages resulting from ~~an~~ a physical injury; or

3.1 (3) has filed charges pursuant to section 363A.28 with the commissioner.

3.2 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
3.3 applies to civil actions brought under chapter 363A on or after that date.