

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1183**

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DATE	D-PG	OFFICIAL STATUS
04/14/2011	1341	Introduction and first reading Referred to Judiciary and Public Safety
05/02/2011	1568a	Comm report: To pass as amended
	1604	Second reading
05/17/2011	2103	Special Order
	2103	Third reading Passed

A bill for an act

relating to civil law; restoring state and local government tort liability limits to pre-2008 levels; prohibiting state and local government contracts that require contractors to provide liability insurance or other security in excess of those limits; amending Minnesota Statutes 2010, sections 3.736, subdivision 4; 466.04, subdivision 1.

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

Section 1. Minnesota Statutes 2010, section 3.736, subdivision 4, is amended to read:

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before August 1, 2007;

(b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;

(c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; ~~or~~

(g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009, and before July 1, 2011; or

2.1 (h) \$1,000,000 for any number of claims arising out of a single occurrence, for
2.2 claims arising on or after July 1, 2011.

2.3 If the amount awarded to or settled upon multiple claimants exceeds the applicable
2.4 limit under clause (d), (e), (f), ~~or~~ (g), or (h), any party may apply to the district court to
2.5 apportion to each claimant a proper share of the amount available under the applicable
2.6 limit under clause (d), (e), (f), ~~or~~ (g), or (h). The share apportioned to each claimant shall
2.7 be in the proportion that the ratio of the award or settlement bears to the aggregate awards
2.8 and settlements for all claims arising out of the occurrence.

2.9 The limitation imposed by this subdivision on individual claimants includes damages
2.10 claimed for loss of services or loss of support arising out of the same tort.

2.11 The state shall not require any individual or entity contracting with the state to
2.12 provide liability insurance or other security in excess of the liability limits stated in this
2.13 subdivision.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to claims
2.15 arising from acts or omissions that occur on or after that date.

2.16 Sec. 2. Minnesota Statutes 2010, section 466.04, subdivision 1, is amended to read:

2.17 Subdivision 1. **Limits; punitive damages.** (a) Liability of any municipality on any
2.18 claim within the scope of sections 466.01 to 466.15 shall not exceed:

2.19 (1) \$300,000 when the claim is one for death by wrongful act or omission and
2.20 \$300,000 to any claimant in any other case, for claims arising before January 1, 2008;

2.21 (2) \$400,000 when the claim is one for death by wrongful act or omission and
2.22 \$400,000 to any claimant in any other case, for claims arising on or after January 1,
2.23 2008, and before July 1, 2009;

2.24 (3) \$500,000 when the claim is one for death by wrongful act or omission and
2.25 \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

2.26 (4) \$750,000 for any number of claims arising out of a single occurrence, for claims
2.27 arising on or after January 1, 1998, and before January 1, 2000;

2.28 (5) \$1,000,000 for any number of claims arising out of a single occurrence, for
2.29 claims arising on or after January 1, 2000, and before January 1, 2008;

2.30 (6) \$1,200,000 for any number of claims arising out of a single occurrence, for
2.31 claims arising on or after January 1, 2008, and before July 1, 2009;

2.32 (7) \$1,500,000 for any number of claims arising out of a single occurrence, for
2.33 claims arising on or after July 1, 2009; ~~or~~

2.34 (8) \$1,000,000 for any number of claims arising out of a single occurrence, for
2.35 claims arising on or after July 1, 2011; or

S.F. No. 1183, as introduced - 87th Legislative Session (2011-2012) [11-0484]

3.1 ~~(8)~~ (9) twice the limits provided in clauses (1) to ~~(7)~~ (8) when the claim arises out of
3.2 the release or threatened release of a hazardous substance, whether the claim is brought
3.3 under sections 115B.01 to 115B.15 or under any other law.

3.4 (b) No award for damages on any such claim shall include punitive damages.

3.5 (c) A municipality shall not require any individual or entity contracting with the
3.6 municipality to provide liability insurance or other security in excess of the liability limits
3.7 stated in this subdivision.

3.8 **EFFECTIVE DATE.** This section is effective July 1, 2011, and applies to claims
3.9 arising from acts or omissions that occur on or after that date.