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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1239

February 22, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 27, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to civil actions; modifying the limitation period for civil actions
1.3 involving sexual abuse; proposing coding for new law in Minnesota Statutes,
1.4 chapter 541; repealing Minnesota Statutes 2006, section 541.073.

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

1.6 Section 1. [541.077] ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE.

1.7 Subdivision 1. Definition. As used in this section, "sexual abuse" means conduct
1.8 described in sections 609.342 to 609.3451.

1.9 Subd. 2. Application. This section applies to actions based on personal injury
1.10 caused by sexual abuse committed against an adult or minor.

1.11 Subd. 3. No limitations period in certain cases. There is no limitations period for
1.12 an action against the person who committed sexual abuse against the victim.

1.13 Subd. 4. Limitations period. (a) An action against a person who negligently
1.14 permitted sexual abuse to occur to an adult must be commenced within six years of the
1.15 last incident of sexual abuse.

1.16 (b) An action against a person who negligently permitted sexual abuse to occur to a
1.17 minor must be commenced before the victim reaches 35 years of age.

1.18 Subd. 5. Not applicable to vicarious liability or respondeat superior claims.
1.19 This section does not apply to a claim based on vicarious liability or liability under the
1.20 doctrine of respondeat superior. This subdivision does not limit the availability of these
1.21 claims under other law.

1.22 Sec. 2. REPEALER.

1.23 Minnesota Statutes 2006, section 541.073, is repealed.

2.1 Sec. 3. **EFFECTIVE DATE; APPLICATION.**

2.2 This act is effective the day following final enactment and applies to actions pending
2.3 on or commenced on or after that date, regardless of any previous statute of limitations.