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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 561

February 1, 2007

Authored by Thissen

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

1.1 A bill for an act
1.2 relating to civil actions; allocating joint and several liability in certain civil
1.3 actions; amending Minnesota Statutes 2006, section 604.02, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2006, section 604.02, subdivision 1, is amended to read:

1.6 Subdivision 1. **Joint liability.** When two or more persons are severally liable,
1.7 contributions to awards shall be in proportion to the percentage of fault attributable to
1.8 each, except that the following persons are jointly and severally liable for the whole award:

1.9 (1) a person whose fault is greater than 50 percent;

1.10 (2) two or more persons who act in a common scheme or plan that results in injury;

1.11 (3) a person who commits an intentional tort; ~~or~~

1.12 (4) a person whose liability arises under chapters 18B - pesticide control, 115 - water
1.13 pollution control, 115A - waste management, 115B - environmental response and liability,
1.14 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law
1.15 for damage to the environment or the public health, any other environmental or public
1.16 health law, or any environmental or public health ordinance or program of a municipality
1.17 as defined in section 466.01; or

1.18 (5) a person who violates chapter 340A by making an illegal sale of an alcoholic
1.19 beverage.

1.20 This section applies to claims arising from events that occur on or after August
1.21 1, 2003.

1.22 Sec. 2. **EFFECTIVE DATE; APPLICATION.**

- 2.1 Section 1 is effective August 1, 2007, and applies to claims arising from incidents
- 2.2 occurring on or after that date.