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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1741**

March 7, 2007

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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; regulating the tort liability of school districts; amending  
1.3 Minnesota Statutes 2006, section 466.12.

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

1.5 Section 1. Minnesota Statutes 2006, section 466.12, is amended to read:

1.6 **466.12 SCHOOL DISTRICTS AND CERTAIN TOWNS.**

1.7 Subdivision 1. **Not applicable; exception.** Sections 466.01 to 466.11, except  
1.8 as otherwise provided for in this section, do not apply to ~~any school district, however~~  
1.9 ~~organized, or to~~ a town not exercising the powers of a statutory city under the provisions  
1.10 of Minnesota Statutes 1961, section 368.01, as amended.

1.11 Subd. 2. **Pre-12/13/1962 immunity enacted, defined.** The doctrine of  
1.12 "governmental immunity from tort liability" as a rule of the decisions of the courts of  
1.13 this state is hereby enacted as a rule of statutory law applicable to all ~~school districts~~  
1.14 ~~and~~ towns not exercising powers of statutory cities in the same manner and to the same  
1.15 extent as it was applied in this state to ~~school districts and such~~ the towns on and prior to  
1.16 December 13, 1962.

1.17 As used in this subdivision the doctrine of "governmental immunity from tort  
1.18 liability" means the doctrine as part of the common law of England as adopted by the  
1.19 courts of this state as a rule of law exempting from tort liability ~~school districts and~~ towns  
1.20 not exercising the powers of statutory cities regardless of whether they are engaged in  
1.21 either governmental or proprietary activities, subject however, to such modifications  
1.22 thereof made by statutory enactments heretofore enacted, and subject to the other  
1.23 provisions of this section.

2.1 Subd. 3. **Towns may insure, be liable.** A town not exercising the powers of a  
2.2 statutory city may procure insurance as provided for in section 466.06, and if a town not  
2.3 exercising the powers of a statutory city procures such insurance it shall otherwise be  
2.4 subject to all the terms and provisions of sections 466.02 to 466.09 to the extent of the  
2.5 liability coverage afforded. Cancellation or expiration of any liability policy shall restore  
2.6 immunity as herein provided as of the date of such cancellation or expiration.

2.7 ~~Subd. 3a. **Schools shall insure, be liable, conditions.** A school district shall~~  
2.8 ~~procure insurance as provided in section 466.06, meeting the requirements of section~~  
2.9 ~~466.04, if it is able to obtain insurance and the cost thereof does not exceed \$1.50 per pupil~~  
2.10 ~~per year for the average number of pupils. If, after a good faith attempt to procure such~~  
2.11 ~~insurance, a school district is unable to do so, and the commissioner of insurance certifies~~  
2.12 ~~that such insurance is unobtainable, it shall be subject to the provisions of subdivisions 1~~  
2.13 ~~and 2. If the school district fails to make a good faith attempt to procure such insurance~~  
2.14 ~~and the commissioner of insurance does not certify that such insurance is unobtainable,~~  
2.15 ~~then in that event section 466.12 shall not apply to such a school district and it shall be~~  
2.16 ~~subject to all of the other applicable provisions of chapter 466.~~

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

2.18 Section 1 is effective the day following final enactment and applies to all cases  
2.19 pending on or filed on or after that date.