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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 239

January 22, 2009

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 16, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Civil Justice

March 24, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

May 11, 2009

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

1.1 A bill for an act
1.2 relating to real estate; permitting homeowners to recover certain damages
1.3 incurred due to faulty construction; amending Minnesota Statutes 2008, section
1.4 327A.05; proposing coding for new law in Minnesota Statutes, chapter 327A.

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

1.6 Section 1. Minnesota Statutes 2008, section 327A.05, is amended to read:

1.7 327A.05 REMEDIES.

1.8 Subdivision 1. New home warranties. Upon breach of any warranty imposed
1.9 by section 327A.02, subdivision 1, the vendee shall have a cause of action against the
1.10 vendor for damages arising out of the breach, or for specific performance. Damages
1.11 shall be limited to:

1.12 (a) (1)(i) the amount necessary to remedy the defect or breach; or

1.13 (b) (ii) the difference between the value of the dwelling without the defect and the
1.14 value of the dwelling with the defect; and

1.15 (2) reasonable costs for short-term housing made necessary as a result of the breach,
1.16 not to exceed the current maximum per diem rate set by the United States General Services
1.17 Administration that applies to the location of the property.

1.18 Subd. 2. Home improvement warranty. Upon breach of any warranty imposed by
1.19 section 327A.02, subdivision 3, the owner shall have a cause of action against the home
1.20 improvement contractor for damages arising out of the breach, or for specific performance.
1.21 Damages shall be limited to the amount necessary to remedy the defect or breach, plus
1.22 costs referenced in subdivision 1, clause (2).

1.23 EFFECTIVE DATE. This section is effective the day following final enactment
1.24 and applies to actions commenced on or after that date.

2.1 Sec. 2. **[327A.09] CHOICE OF REMEDY.**

2.2 A person who recovers damages under sections 327A.01 to 327A.08 may not
2.3 recover the same costs or damages under any other law. A person who recovers damages
2.4 under any other law may not recover for the same costs or damages under sections
2.5 327A.01 to 327A.08.