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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **412**

February 2, 2009

Authored by Bunn, Swails, Simon, Bigham, Knuth and others

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

February 5, 2009

By motion, recalled and re-referred to the Committee on Civil Justice

February 26, 2009

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Commerce and Labor

April 2, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to real estate; adjusting the statute of repose for homeowner warranty
1.3 claims; amending Minnesota Statutes 2008, section 541.051, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2008, section 541.051, subdivision 4, is amended to read:

1.6 Subd. 4. **Applicability.** ~~For the purposes of~~ This section does not apply to actions
1.7 based on breach of the statutory warranties set forth in section 327A.02, or to actions based
1.8 on breach of an express written warranty, except as provided by this subdivision. Such
1.9 actions shall be brought within two years of the discovery of the breach in all cases where
1.10 the breach is discovered within ten years after the warranty date. ~~In the case of an action~~
1.11 ~~under section 327A.05, which accrues during the ninth or tenth year after the warranty~~
1.12 ~~date, as defined in section 327A.01, subdivision 8, an action may be brought within two~~
1.13 ~~years of the discovery of the breach~~ Where the breach is discovered more than ten years
1.14 after the warranty date, such actions shall be brought within one year after the discovery
1.15 of the breach, but in no event may an action under section 327A.05 or an action based on
1.16 breach of an express written warranty be brought more than 12 years after the effective
1.17 warranty date. An action for contribution or indemnity arising out of actions described in
1.18 this subdivision may be brought no later than two years after the earlier of commencement
1.19 of the action against the party seeking contribution or indemnity, or payment of a final
1.20 judgment, arbitration award, or settlement arising out of the breach.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment
1.22 and applies to cases pending or commenced on or after that date.