

Chapter: 78

Session: 2017 Regular Session

Topic: Duty of care owed to trespasser

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Governor Mark Dayton vetoed this act on May 23, 2017.

This act would have prevented an owner, lessee, tenant, or other person in control of real property from owing a duty of care to a trespasser unless there is a statutory or common law right of action that has already been recognized at the time the bill is enacted.

This act would not have affected any of the current immunities or defenses available in law to an owner of real property to defend against a claim by a trespasser. Current law allows trespass for the purposes of outdoor recreation when permission has been obtained, Minn. Chapter 97B.001, subdivision 4, but provides that the owner does not owe a duty of care to maintain the land or warn of dangerous conditions on the land, unless the owner acts to willfully cause injury, Minn. Chapter 604A.22.

Effective date. This act would have been effective on July 1, 2015 and applied to actions arising from incidents that occurred on or after that date.