

HOUSE RESEARCH

Bill Summary

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Subject: Duty of care owed to trespasser

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This bill prevents 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 bill would not affect 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. Stat. § 97B.001, subd. 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. Stat. § 604A.22).

Effective date. This bill would be effective on July 1, 2016, and apply to actions arising from incidents that occurred on or after that date.