

Subject Civil Law: Policy Omnibus Bill

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Overview

This is the civil law policy omnibus bill. It has four articles. Article 1 contains provisions relating to government data practices and privacy. Article 2 is the Uniform Registration of Canadian Money Judgments Act. Article 3 contains provisions relating to human rights. Article 4 contains additional civil law provisions.

Article 1: Government Data Practices and Privacy

This article contains provisions relating to government data practices and privacy.

Section Description – Article 1: Government Data Practices and Privacy

- 1 **Safe at Home Program: Definitions.**
Amends the definition of “mail” to clarify what “packages and parcels” are excluded from the definition.
- 2 **Safe at Home Program: Use of designated address.**
Clarifies what information cannot be disclosed after a participant has notified a person about his or her participation in the Safe at Home program.
- 3 **Safe at Home Program: Display by landlord.**
Clarifies the requirement that a landlord not display a participant’s name at an address the rented by the participant.
- 4 **Safe at Home Program: Definitions.**
Amends definitions in the Government Data Practices Act related to Safe at Home program participation. Limits the definition of “location data” to data specified by the participant. Provides a more comprehensive definition of “real property records.”

Section Description – Article 1: Government Data Practices and Privacy

- 5 **Safe at Home Program: Notification of certification.**
Adds date of birth to program notifications. Adds a parent/guardian signature to notifications if the participant is a minor. Provides a process for submitting real property notices to government entities other than county recorders given the more comprehensive definition of “real property records” in section 4.
- 6 **Safe at Home Program: Classification of identity and location data; amendment of records; sharing and dissemination.**
Consolidates the prohibition on sharing private or confidential location data on a program participant. Allows existing government records to be changed to remove private location data and reflect a participant’s designated address.
- 7 **Safe at Home Program: Real property records.**
Updates the protections for real property records to reflect the expanded definition in section 4. Allows protected participant data to be shared for purposes of administering assessment and taxation laws. Requires a government entity to notify the secretary of state within 90 days if a real property notice is terminated.
- 8 **Political subdivisions licensing data.**
Classifies as private/nonpublic tax returns or bank account statements submitted to a political subdivision as part of an application for a license. Also imposes a destruction requirement for that data.
- 9 **Student Data Privacy Act: Definitions.**
Adds new definitions for “parent,” “school-issued device,” and “technology provider.”
- 10 **Educational data: Private data; when is permitted.**
Allows private educational data to be disclosed to Tribal nations about Tribally-enrolled or descendant students. Also, allows student personal contact information (further addressed in section 11 of this article) to be disclosed to a government entity that is providing a school-sponsored service and that has a legitimate educational interest in the contract information.
- 11 **Educational data: Directory information.**
Prohibits an educational institution from designating a student’s personal contact information as publicly available directory information.
- 12 **Student Data Privacy Act: Technology providers.**
Places transparency obligations and privacy-protective restrictions on technology providers with regard to educational data that the technology provider creates, receives, or maintains as part of its contract with a school. Among other provisions,

Section Description – Article 1: Government Data Practices and Privacy

- technology providers are prohibited from selling or disseminating educational data, and are prohibited from using the educational data for any commercial purposes. Schools are also required to notify parents and students of contracts with technology providers regarding curriculum, testing, or assessment and provide the parent or student an opportunity to opt-out of the associated program or activity.
- 13 **Student Data Privacy Act: School-issued devices.**
Prohibits a government entity or technology provider from accessing or monitoring a student’s school-issued device, subject to the exceptions enumerated in paragraph (b). Requires notice to students or parents if monitoring occurs pursuant to an exception.
- 14 **Student Data Privacy Act: Application to postsecondary institutions; exemption.**
Exempts postsecondary institutions from sections 2 and 3 of the bill. States that a “nonprofit national assessment provider” (such as the College Board, which administers the SAT exam) is exempt from sections 2 and 3 of the bill for purposes of providing specified services and so long as the provider receives student or parent consent.
- 15 **Education support services data.**
This section defines “education support services data” and classifies it as private data on individuals. It also requires audit trails and role-based access for education support services data.
- 16 **Criminal history check authorized.**
Permits a law enforcement agency that performs a background check related to employment with or licensing by a city or county to disseminate the criminal history data to the hiring or licensing authority of the city or county that requested the background check. Requires law enforcement agencies, cities, and counties to maintain the data securely and to follow the notice requirements provided in section 364.05.
- 17 **Mobile tracking devices: Exception; stolen motor vehicles.**
Permits law enforcement officers to attach a mobile tracking device to a stolen vehicle without prior court approval if the owner of the vehicle either grants consent or reported to law enforcement that the vehicle was stolen.

Article 2: Uniform Canadian Judgments

This article provides a process to register a Canadian court judgment for money in Minnesota. This process is in addition to the existing process to registering a foreign-money judgment from

another jurisdiction but has a court form that simplifies the filing and notice procedures. This is a Uniform Law drafted by the Uniform Laws Commission and has been enacted in Colorado, Nevada, Nebraska, and Rhode Island.

Section Description – Article 2: Uniform Canadian Judgments

- 1 Short title.**
Provides a short title for the law “Uniform Registration of Canadian Money Judgment Act.” (URCMJA)
- 2 Definitions.**
Provides definitions for the terms “Canada” and “Canadian judgment” and excludes judgments from other foreign countries recognized by a Canadian court.
- 3 Applicability.**
Provides that the sections included in the URCMJA are only applicable to the registration and enforcement of the part of judgment that relates to the grant of the recovery of a sum of money.
- 4 Registration of Canadian judgment.**
Provides a process to register a Canadian judgment with a court in Minnesota and requires the court documents to include information including: the amount owed in the judgment; the amount paid; and the amount owed due to fees and costs. This section provides a court form to use to register a Canadian money judgment.
- 5 Effect of registration.**
Provides that a judgment registered under this section is recognized and enforceable in the same manner and to the same extent as a judgment rendered in this state.
- 6 Notice of registration.**
Provides notice of the registration of the judgment to the person who the judgment is against and proof of that notice to the court.
- 7 Petition to vacate registration.**
Provides that a person may oppose the registration of a judgment against them, within 30 days of notice or later if the court allows it, and provides what the petition to oppose the registration of a judgment for money must include.
- 8 Stay of enforcement of judgment pending determination of petitions.**
Allows the court to stay the enforcement of a Canadian judgment for money until the petition to vacate the registration has been determined if the petition to vacate shows merit.

Section Description – Article 2: Uniform Canadian Judgments

- 9 **Relationship to Uniform Foreign-Country Money Judgments Recognition Act.**
Allows a person to file a Canadian judgment for money under either the URCMJA or the existing law for registering a foreign judgment for money, but not both.
- 10 **Uniformity of application and interpretation.**
Requires the court to consider the need for uniformity in application of the uniform law.
- 11 **Transitional provision.**
Provides that this uniform law would apply to court orders entered in a proceeding that is commenced in Canada on or after this law is passed in Minnesota.
- 12 **Effective date.**
Provides that the URCMJA is effective on January 1, 2023.

Article 3: Human Rights

This articles changes sections of the Minnesota Human Rights Act.

Section Description – Article 3: Human Rights

- 1 **Race.**
This section adds a definition for race to the Minnesota Human Rights Act. The definition provides that “race” is inclusive of traits associated with race. The definition also provides that hair texture and hair styles can be included in the traits historically associated with race. The Minnesota Human Rights Act prohibits discrimination on the basis of race in housing, education, employment, and other areas.
- 2 **Inquiries into pay history prohibited.**
This section prevents employers, including labor unions and employment agencies, from requesting a job applicant’s pay history. This provision does not prevent a job applicant from volunteering their past pay if the employer does not prompt them or require them to provide it.

The use of the job applicant or prospective employees pay history to determine their pay or benefits creates a rebuttable presumption that the employer has committed an unfair discrimination in violation of the Minnesota Human Rights Act, section 363A.08. This provision does not prohibit an employer from providing a job applicant

Section Description – Article 3: Human Rights

with wage and benefit information for a position or discussing pay expectations with an applicant.

This section does not apply to existing collective bargaining agreements, but applies to new agreements executed after January 1, 2023.

3 General prohibition.

Makes it a violation of the Minnesota Human Rights Act to deny access to closed captioning to a person who needs it in a place of public accommodation when television access is available to others.

4 Housing.

Removes an exception for duplex owners to discriminate against a renter on the basis of sexual orientation.

5 Nondiscrimination in access to transplants.

Amends § 363A.50. Prohibits health care providers and entities responsible for matching anatomical gift donors to recipients from limiting an individual's access to anatomical gifts and related services based on an individual's race or ethnicity. Also expands the definition of auxiliary aids and services.

Subd. 1. Definitions. Amends the definition of auxiliary aids and services to include qualified interpreters or other methods of making aurally delivered materials available to non-English-speaking individuals (under current law this term covers interpreters and methods to make materials available to individuals with hearing impairments).

Subd. 2. Prohibition of discrimination. Prohibits health care providers and entities responsible for matching anatomical gift donors to potential recipients from doing the following based on an individual's race or ethnicity: deeming an individual ineligible to receive an anatomical gift, denying related organ transplantation services, refusing to refer an individual to be evaluated for or to receive an anatomical gift, refusing to place an individual on an organ transplant waiting list, and declining insurance coverage for procedures associated with the anatomical gift (under current law entities cannot make the above decisions based on an individual's mental or physical disability).

Subd. 3. Remedies. No changes to this subdivision.

Section Description – Article 3: Human Rights

6 Repealer.

Repeals an exception to the human rights law for employment discrimination based on sexual orientation for certain nonprofit organizations. This section also repeals a section of the Human Rights Act that is related to the construction of the law.

Article 4: Other Civil Law Policy

This article amends various civil law provisions including provisions related to marriage licenses and records; indemnity in service contracts; civil penalties; and guardianships.

Section Description – Article 4: Other Civil Law Policy

1 Civil citation; authority to issue.

Provides conservation officers and other licensed peace officers authority to issue a civil citation to someone who violates certain snowmobile provisions similar to what is allowed under current law for violations involving an OHV (off-highway motorcycle (OHM), off-road vehicle (ORV), or all-terrain vehicle (ATV)). Establishes specific civil citation authority for violations of the state's trespass law by those operating an OHV or snowmobile. Civil penalties from citations under this section are deposited in dedicated accounts depending on what type of vehicle was used when committing the violation.

Sets the civil penalties for violations of the existing OHV provisions and the new snowmobile and trespass provisions at: \$250 for first offenses (was \$100); \$500 for second offenses (was \$200); and \$1,000 for third and subsequent offenses (was \$500).

2 Allocating penalty amounts.

Requires civil penalties for the citations established in the previous section that involve snowmobiles to be deposited in the snowmobile trails and enforcement account and requires the penalties to be used for enforcing snowmobile laws.

3 Administrative forfeiture procedure.

Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure. The section is effective the day following final enactment.

4 Orders; filing copies.

Provides that a postdissolution name change does not require a criminal history search.

Section Description – Article 4: Other Civil Law Policy

5 Postdissolution name change.

This bill allows a person to change their name after a dissolution of marriage without paying a filing fee and without a national criminal history check so long as the person provides a certified copy of marriage dissolution court order and a certified copy of the person’s birth certificate. The court must grant the name change so long as the purpose is not to defraud and the name change isn’t prohibited by the statute governing name changes for an individual who has a felony criminal conviction.

6 Other matters relating to children.

Provides jurisdiction for at-risk juvenile guardianships in the juvenile court.

7 Juvenile court guardianship.

Provides definitions and petition requirements for an at-risk juvenile guardianship petition. Provides for a right to counsel in the guardianship proceeding in juvenile court and service and notice requirements for cases under this section. Provides that the court must issue an order for a juvenile guardianship when the juvenile and guardian both agree to the guardianship and it is in the juvenile’s best interest and reunification with a parent is not viable due to abandonment, abuse, or neglect.

This section also provides for a new guardian to be appointed and for the guardianship to automatically terminate when the juvenile reaches the age of 21, or when the juvenile requests for the guardianship to end.

8 Digital fair repair.

Subd. 1. Short title. This act may be cited as the “Digital Fair Repair Act.”

Subd. 2. Definitions. Provides definitions for terms used in this section, including authorized repair provider, digital electronic equipment, embedded software, fair and reasonable terms, firmware, independent repair provider, and original equipment manufacturer (OEM).

Subd. 3. Requirements. (a) Requires OEMs of digital electronic equipment to make documents, parts, and tools, available to independent repair providers or the owners of the equipment, for purposes of diagnosis, maintenance, and repair.

Subd. 4. Enforcement by attorney general. Makes violation of this section an unlawful practice under section 325D.44 and enforceable by the attorney general.

Section Description – Article 4: Other Civil Law Policy

Subd. 5. Limitations. (a) Clarifies that nothing in this section requires an OEM to release trade secret information to independent repair providers or owners, except as necessary to provide the necessary documentation, tools, and parts.

(b) Clarifies that this section does not alter the terms of an agreement between an OEM and an authorized repair provider.

(c) Clarifies that nothing in this section requires an OEM or an authorized repair provider to provide independent repair providers or owners access to information, other than documentation, that is provided pursuant to an agreement between the OEM and an authorized repair provider.

Subd. 6. Exclusions. (a) Clarifies that this section does not apply to motor vehicle manufacturers, manufacturers of motor vehicle equipment, motor vehicle dealers, or any product or service they may provide.

(b) Clarifies that this section does not apply to manufacturers or distributors of medical devices, or digital electronic product or software for use in a medical setting.

Subd. 7. Applicability. This section applies to equipment sold or in use on or after January 1, 2023.

Effective date. This section is effective January 1, 2023.

9 **Notaries public.**

Allows a notary to charge a larger fee than allowed to notarize a document to perform a wedding, which is capped at \$5 to perform notary services otherwise.

10 **Powers.**

Provides that notaries have the power to perform a civil marriage, along with the other powers notaries are granted when they have a valid notary commission.

11 **Civil marriage officiant.**

Authorizes a notary to solemnize a marriage if they have registered their notary commission with the local registrar in a county and fulfills the technical filing requirements which mirror the requirements for a religious officiant.

12 **Persons authorized to perform civil marriages.**

Adds notaries to the list of individuals able to perform a civil marriage.

Section Description – Article 4: Other Civil Law Policy

13 Term of license; fee; premarital education.

Replaces the existing law allowing one party to a marriage to apply in person for another party to provide a notarized statement attesting to the application and proof of age, with a provision that would allow the parties to do the oath virtually, and to accept electronic filings of the marriage license application.

The new provisions are retroactive to January 1, 2021, and would apply to the applications and oaths that occurred on or after that date. Separate laws in 2020 and 2021 provided this service to occur virtually on a temporary basis. (See Laws 2020, ch. 74, art. 1, § 18; and Laws 2021, ch. 1, § 1)

14 Indemnity agreements in design professional services contracts void.

Clarifies indemnity application when insurance coverage exists in design professional services contracts.

15 Judicial determination.

Permits service of a complaint challenging asset forfeiture to be made on the prosecuting authority by certified mail, consistent with the parallel provision relating to DWI forfeitures. Provides that a statement of claim and any other pleading or filing made in conciliation court may be served and filed as permitted by the Rules of Conciliation Court Procedure. The section is effective the day following final enactment.

16 Restraining order; court jurisdiction.

Permits an emancipated minor to seek a restraining order on that person's own behalf if the court determines that it is in the best interests of the child. Identifies the showing necessary to establish that the minor is emancipated. Makes the change in law effective the day following final enactment.



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