

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2168

(SENATE AUTHORS: FRENTZ and Latz)

DATE
03/16/2017

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to human rights; amending notice provisions for actions involving
1.3 architectural barriers; amending Minnesota Statutes 2016, section 363A.331,
1.4 subdivisions 2, 5.

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

1.6 Section 1. Minnesota Statutes 2016, section 363A.331, subdivision 2, is amended to read:

1.7 Subd. 2. **Notice of architectural barrier.** (a) ~~A notice sent before filing a civil action~~
1.8 ~~with the court by an attorney representing a person who alleges that a business establishment~~
1.9 ~~or place of public accommodation has violated an accessibility requirement under law~~ Before
1.10 bringing a civil action under section 363A.33, an attorney representing a person who alleges
1.11 that an entity required to comply with section 363A.11, subdivision 3, clauses (4) and (5),
1.12 has violated accessibility requirements under state law must provide a notice of architectural
1.13 barrier consistent with subdivision 3. The notice of architectural barrier must be dated and
1.14 must:

- 1.15 (1) cite the law alleged to be violated;
- 1.16 (2) identify each architectural barrier that is the subject of an alleged violation and specify
1.17 its location on the premises;
- 1.18 (3) provide a reasonable time for a response, which may not be less than 30 days; and
- 1.19 (4) comply with subdivision 3.

1.20 (b) A notice described in paragraph (a) must not include a request or demand for money
1.21 or an offer or agreement to accept money, but may offer to engage in settlement negotiations

2.1 before litigation. If a notice is sent, a civil action may not be filed before expiration of the
2.2 period to respond provided in the notice.

2.3 (c) A civil action may not be filed before expiration of the period to respond provided
2.4 in the notice under paragraph (a), clause (3). A civil action may be filed or pursued by a
2.5 plaintiff after the response time provided in the notice of architectural barrier violations on
2.6 the entity required to comply with section 363A.11, subdivision 3, clauses (4) and (5).

2.7 (d) A person who is not represented by an attorney may, but is not required to, send a
2.8 notice of architectural barrier. A person who elects to send a notice of architectural barrier
2.9 under this section must comply with the requirements of this section.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to civil
2.11 actions brought under Minnesota Statutes, chapter 363A, on or after that date.

2.12 Sec. 2. Minnesota Statutes 2016, section 363A.331, subdivision 5, is amended to read:

2.13 Subd. 5. **Exemptions.** (a) Subdivisions 2 and 3 do not apply to:

2.14 (1) a person who is not represented by an attorney unless a person chooses to send a
2.15 notice of architectural barrier as provided in subdivision 2, paragraph (c); or

2.16 (2) attorneys representing the state or a political subdivision of the state.

2.17 (b) This section does not bar a person from bringing an action if the person:

2.18 (1) is challenging a finding contained in an audit prepared by a certified professional;

2.19 (2) has a claim for damages resulting from an injury; or

2.20 (3) has filed charges pursuant to section 363A.28.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to civil
2.22 actions brought under Minnesota Statutes, chapter 363A, on or after that date.