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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 865

02/08/2021 Authored by Wazlawik
The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy

1.1 A bill for an act
1.2 relating to child care; establishing exemption from personal liability for municipality
1.3 officers or employees; removing exception for counties to be liable for claims at
1.4 family day care where county had actual knowledge of risk that led to claims;
1.5 amending Minnesota Statutes 2020, section 466.03, subdivision 6d.

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

1.7 Section 1. Minnesota Statutes 2020, section 466.03, subdivision 6d, is amended to read:

1.8 Subd. 6d. Licensing of providers. A claim against a municipality based on the failure
1.9 of a provider to meet the standards needed for a license to operate a day care facility under
1.10 chapter 245A for children, unless the municipality had actual knowledge of a failure to meet
1.11 licensing standards that resulted in a dangerous condition that foreseeably threatened the
1.12 plaintiff. A municipality shall be immune from liability for a claim arising out of a provider's
1.13 use of a swimming pool located at a family day care or group family day care home under
1.14 section 245A.14, subdivision 10, unless the municipality had actual knowledge of a provider's
1.15 failure to meet the licensing standards under section 245A.14, subdivision 10, paragraph
1.16 (a), clauses (1) to (3), that resulted in a dangerous condition that foreseeably threatened the
1.17 plaintiff 11. An officer or employee of a municipality shall be immune from liability for a
1.18 claim based on the failure of a provider to meet the necessary standards for a license to
1.19 operate a day care facility for children under chapter 245A, unless the officer or employee
1.20 is found guilty of malfeasance in office, willful neglect of duty, or bad faith.