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S.F. No. 4126 – Municipal liability modified

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Under Chapter 466, the Municipal Tort Claims Act, municipalities are generally held liable for its torts and those of their employees or agents acting within the scope of their employment or duties arising out of a governmental or proprietary function, unless an exemption under section 466.03 applies. Section 466.03, subdivision 6, provides that municipalities are not liable for claims based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused. **SF 4126** provides an exception to the discretionary function exemption and permits a person to bring an action to recover damages if the act or failure to commit an act results in a sewage backup on the person's property.

This section is effective August 1, 2024, and applies to causes of action accruing on or after that date.