

House Research Bill Summary

Comparison Bill Summary House and Senate Positions on H. F. 2780

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House (H.F. 2780, first engrossment; H.F. 1051, second engrossment)	Senate (H2780UE)
<p>H.F. 1051, Sec. 1. Penalty for noncompliance. Amends the current provision that failure to identify the expert who will testify in a medical malpractice case results in mandatory dismissal of the case with prejudice. Provides for granting a motion to dismiss under this provision for defects in the affidavit or in answers to interrogatories if: (1) the motion identifies the deficiencies; (2) the time for hearing on the motion is at least 45 days after the date of service of the motion; and (3) before the hearing plaintiff fails to serve on the defendant the necessary affidavit or interrogatories to correct the deficiencies.</p>	<p>Sec. 1. Same.</p>
<p>This section has an effective date of August 1, 2001, because the bill passed last year. It applies to causes of action rising from incidents on or after the effective date.</p>	<p>Effective date: August 1, 2002, and applies to incidents on or after the effective date.</p>
<p>H.F. 1051, Sec. 2. Lien for attorney's fees.</p>	<p>Sec. 2. Lien for attorney's fees.</p>
<p>Subd. 1. Makes various stylistic amendments.</p>	<p>Same.</p>
<p>Subd. 2. Perfection of lien. Provides that the current notice of intent to claim a lien must be filed not later than 120 days after the last item of claim.</p>	<p>Same.</p>
<p>Specifies a method for perfecting an attorney's lien on real property that is involved in or affected by a proceeding. Requires that within 30 days after a lien is filed, the claimant must give personal or certified mail written notice to the property owner or the owner's agent. Upon receipt of full payment of the debt, the attorney must within 30 days deliver a recordable satisfaction and release of lien to the owner or agent.</p>	<p>Same.</p>
<p>Subd. 3. One year limitations. Gives an attorney one year after filing a notice of intent to claim lien to assert the lien by filing a</p>	<p>Same.</p>

complaint or answer with the court administrator. Allows a longer time to assert the lien if the property owner so agrees, but in no case longer than three years after the filing. Provides that the absence of a *lis pendens* notice after expiration of the time to assert the lien is conclusive evidence that the lien cannot be enforced as to a bona fide third party without notice. Provides that on registered land, memorials of lien statements will not be carried forward on new certificates of title when no *lis pendens* notice has been timely registered.

Effective date: H.F. 1051, section 2, has an effective date of August 1, 2001, because the bill passed last year. It applies to a notice of intention to claim a lien filed on or after that date.

Effective date: August 1, 2002, and applies to claim a lien filed on or after that date.

H.F. 2780, Sec. 1. Certain county conveyances. Under current law, a county must advertise and hold a public hearing before conveying real property. Provides that a deed of conveyance that has been of record with the county recorder or registrar of titles for over five years is valid even if this required advertising and public hearing were omitted at the time of conveyance.

Sec. 3. Same.

H.F. 2780, Sec. 2. Certificate of foreign language translation. Requires county recorders and registrars of title to accept foreign language documents concerning real property titles, if a translation and certificate of translation is attached. Provides the form of the certificate a translator must complete. Makes a certificate of translation or certified copy of it admissible as evidence in any proceeding about the title to the affected real property.

Sec. 4. Same with minor language differences.

No similar provision.

Sec. 5. No duty to accept nonconsensual co- the current statute on these liens. Provides that if a lien the officer has reason to believe is a non-consensual lien, the office must notify the subject of the lien if the known address is reasonably available.

H.F. 2780, Sec. 3. Conveyance by custodian. When an interest in real property is held in custodianship for a minor, requires the custodian to provide another party to the action an affidavit of custodianship. The affidavit attests to the status of the custodianship. Provides that the affidavit is conclusive proof of what it states, except in the case of a party dealing directly with the custodian who has actual knowledge that the facts are otherwise.

Sec. 6. Same.

H.F. 1051, Sec. 3. Wrongful death. Amends the wrongful death statute of limitations in cases involving medical malpractice. The limitation is three years after the date of death but never longer than the time frame provided for medical malpractice actions not involving death (i.e., four years after treatment ends).

Sec. 7. Same.

Effective date: Retroactive to August 1, 1999.

Same.

<p>H.F. 1051, Sec. 4. Effective date; application. This section amends the effective date of the 1999 act that extended the limitation period in medical malpractice cases.</p>	<p>Sec. 8. Also amends the effective date of the limitation period in medical malpractice cases.</p>
<p>(1) Provides that actions commenced on or after August 1, 1999, are subject to the new four year limitation period.</p>	<p>(1) Makes the four year limitation period effective applicable to actions arising from incidents on that date.</p>
<p>(2) Actions commenced or pending before August 1, 1999, would be subject to the former two year limitation period.</p>	<p>(2) Subjects actions pending or commenced under the former two year limitation and specifies the 1999 act.</p>
	<p>(3) Makes the 1999 act applicable to actions commenced on or after August 1, 1999, and pending before August 1, 2001, otherwise time barred under Minn. Stat. § 54A.01.</p>
	<p>(4) Provides that the 1999 act does not revive actions barred after August 1, 2001, from incidents occurring before August 1, 1995.</p>
<p>This section is effective retroactive to August 1, 1999.</p>	<p>Same.</p>
<p>H.F. 1051, Sec. 5. Contains effective dates already noted throughout the summary comparison.</p>	
<p>H.F. 2780, Sec. 4. Repealer. Repeals the sunset on the nonconsensual common law lien statute.</p>	<p>Sec. 9. Same.</p>
<p>H.F. 2780, Sec. 5. Effective date. Section 1 (certain county conveyances) is effective immediately and applies to conveyances made before, on, or after that date. The section does not affect a proceeding on the validity of a conveyance if (1) the action is pending on the effective date or commenced before February 1, 2003; and (2) a notice of the action is filed or recorded before February 1, 2003, with the county recorder or registrar of titles where the property is located.</p>	<p>Sec. 10. Same.</p>