

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2787

DATE: March 7, 2008

Version: First engrossment

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Subject: Unfair Practices in Business, Commerce, or Trade; Public Benefit

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Minnesota law provides a right of action under section 8.31 (often referred to as the “private attorney general statute”) which permits an individual to bring a claim in district court alleging violation of various laws respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade.

In 2000, the Minnesota Supreme Court held that a private action brought by an individual under this section is only permitted where there is a “public benefit” inherent in the action, because the attorney general is only permitted to bring suits that are in the public interest. Resulting cases applying this standard have most often held that, unless the suit is a class action or other special circumstances exist, an action brought by an individual alleging a violation of the laws noted above does not benefit the public. As a result, most suits brought by individuals under this section fail or are dismissed outright, before the court considers the substantive merits of the claim.

This bill provides that a private action brought under Minnesota law alleging an unfair, discriminatory, or other unlawful practice in business, commerce, or trade is in the public interest and benefits the public. The bill does not create additional causes of action under chapter 72A (regulation of trade practices).