

CHAPTER 188—S.F.No.388

[Coded in Part]

*An act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.*

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

Section 1. Minnesota Statutes 1976, Section 65B.53, Subdivision 5, is amended to read:

Subd. 5. **INSURANCE; SUBROGATION; ATTORNEYS FEES.** Except as provided in section 65B.53 nothing in sections 65B.41 to 65B.71 shall limit or abridge the subrogation rights of a reparation obligor providing collision coverage to a policyholder.

Sec. 2. Minnesota Statutes 1976, Section 65B.53, is amended by adding a subdivision to read:

Subd. 8. Notwithstanding any law to the contrary, in any action brought for the recovery of damages allegedly caused by the negligent operation, ownership, maintenance or use of a motor vehicle or motorcycle where the right of subrogation is claimed or may be claimed under this section, or in any counterclaim to such an action, the right of an insurer to be subrogated to all or a portion of the claim of an insured, whether the right to subrogation arises from contract, statute or any other source, shall be enforceable against the insured only if the insurer, upon demand by the insured, agrees to pay a share of the attorney fees and costs incurred to prosecute the claim, in such proportion as the insurer's subrogated interest in the claim bears to any eventual recovery on the claim.

Sec. 3. This act is effective the day following its final enactment.

Approved May 20, 1977.

CHAPTER 189—S.F.No.442

*An act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for review of conveyancing instruments by an administrative officer after recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.*

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

Section 1. Minnesota Statutes 1976, Section 394.37, Subdivision 1, is amended to

Changes or additions indicated by underline deletions by strikethrough