

## **Attorney Fee Awards in Minnesota Statutes**

This information brief outlines the attorney fee provisions found in Minnesota Statutes. After a summary of the various features of attorney fee statutes, a chart lists key features of every statutory provision on the award of attorney fees as of the end of the 2008 legislative session.

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Attorney fees are the monetary charge for legal work performed by a lawyer on behalf of a client. Generally speaking, each party to a civil lawsuit is responsible for paying its own attorney fees, unless a statutory or contractual provision provides otherwise.<sup>1</sup> This principle is known as the “American Rule.” By requiring each party to pay its fees individually, the American Rule seeks to discourage unnecessary litigation and abuse of the legal system. It also helps ensure that court proceedings are focused on the actual damages at issue in the litigation; the fees being charged by an attorney are not technically a part of a party’s damages.

### **Statutory Attorney Fee Awards: Background**

Attorney fee statutes are an exception to the common law American Rule that every litigant pays his or her own fees.

It has been increasingly common for statutory causes of action, regulatory enforcement proceedings, and defenses to provide for an award of attorney fees. When the legislature

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<sup>1</sup> *Fownes v. Hubbard Broadcasting, Inc.*, 246 N.W.2d 700, 702 (Minn. 1976).

requires a loser to pay a winner's attorney fees, it does so to further a public policy interest in the winning party's position. In some contexts, this is known as encouraging individuals to act as "private attorneys general."

A statute may provide for whoever loses to pay the winner's attorney fees. More often, a statute specifies that only a particular kind of winning party will be awarded attorney fees. A statute may award fees only to a winning plaintiff, because the legislature wants to encourage the enforcement of a specific kind of right. On the other hand, a statute may provide for awarding attorney fees only to a winning defendant, if the desired public policy is to discourage the bringing of unfounded lawsuits of a particular kind. Further, sometimes the statutes only authorize an award of attorney fees against a particular class of winners, such as the employee but not the employer or the government or nongovernment party in a given kind of suit. These choices reflect decisions about the policy interests the legislature seeks to further by providing for an award of attorney fees.

Although the statutes generally require that the designated party simply prevail in order to be eligible for attorney fees, occasionally there is an additional requirement. For example, in some cases the winner may only recover attorney fees if the loser acted in bad faith in bringing or defending the action.

Minnesota statutory provisions on attorney fees are more likely to authorize rather than require the court to award the fees, thus leaving the final decision in individual cases up to the court. However, nearly half the statutes mandate an award in specified situations.

The amount of attorney fees that can be awarded is sometimes limited in the statutes by use of the word "reasonable." In rare instances the statutes specify a fee formula or an actual maximum dollar amount or hourly rate that may be awarded as attorney fees. Some attorney fee statutes do not provide any guidance on the appropriate amount of fees to award. Except when a specific amount or formula is provided, the usual practice is for the court to review the statements submitted by the attorney and decide whether the amount requested is reasonable given the complexity of the case, the amount of damages at issue and the result, the actual amount of work required, the experience, reputation, and ability of the attorney, and the customary fee charged for similar services.<sup>2</sup>

A provision that sets a specific limit or rigid fee formula is at risk of being held unconstitutional under the state separation of powers doctrine. Under this doctrine, the Minnesota Supreme Court, in its role as the branch of government responsible for regulating attorneys, reserves final authority over attorney fee determinations.<sup>3</sup> A specific limit or formula is most likely to be upheld if it includes the possibility of judicial review and departure from the limit or formula where the amount would not otherwise adequately compensate the attorney.

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<sup>2</sup> *State by Head v. Paulson*, 188 N.W.2d 424 (Minn. 1971).

<sup>3</sup> *Irwin v. Surdyk's Liquor and American Compensation Insurance/RTW, Inc.* 599 N.W.2d 132, 141 (Minn. 1999). Courts also have the authority to award attorney fees to a party even without a statutory provision. The Minnesota Rules of civil procedure permit an award of fees as a sanction against a party for misleading or otherwise interacting improperly with the court or another party to the litigation.

The following chart summarizes attorney fee provisions in Minnesota Statutes through the 2008 session. The chart provides a citation to each statute that provides for a fee award and identifies the kind of civil lawsuit involved, whether the statute mandates or permits the court to award fees, which party will have its attorney fees paid, and whether the statute specifies any limit on the amount of fees that can be paid. A statute is considered to “mandate” an award if the text directs a court to award fees or indicates that a party is entitled to fees. A statute is considered “permissive” if it grants the court discretion to determine on a case-by-case basis whether an award of fees is appropriate.

Statutory sections are categorized based upon their subject matter; some sections are included in more than one category.

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### Attorney Fee Provisions in Minnesota Statutes

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Actions Involving Government</b>				
3.736	Settlement of tort claims against the state	M	Employee who incurred attorney fees defending a tort in the scope of employment	Reasonable
3.7365	Defense of criminal charges against a state officer or state employee in the course of employment	P	State officer or employee	Reasonable
13.08, subs. 1 and 4	Government Data Practices Act: actions for damages or to compel compliance	P	Aggrieved person or representative of a dead person who was damaged; government entity if court determines claim is frivolous	Reasonable
13.82, subd. 14	Government Data Practices Act: withholding public data	P	Any person from whom data was unreasonably withheld	None
13D.06, subd. 4	Open meeting law violation	M/P, depending on circumstances at issue	Prevailing party, except a defendant can recover only if the plaintiff's action was frivolous	Reasonable, with a \$13,000 maximum
15.471-15.474	Civil action or contested case brought by or against the state	M	Prevailing party other than the state if the state's position was not substantially justified and special circumstances do not make an award unjust	Reasonable, up to \$125 per hour; may be increased if special circumstances exist
16A.124, subd. 5	Vendor seeking prompt payment of state agency bills	M	Any vendor who prevails in a civil action against a state agency	None
16A.1245	Subcontractor suing a contractor for interest granted by statute for late payments under state agency contracts	M	Subcontractor	None
60A.031, subd. 9	Action for defamation or other tort against the commerce commissioner for examining an insurance company	P	Prevailing commerce commissioner	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
115B.444, subd. 1	State action against insurer for recovery of environmental response costs incurred by the state	M	State	None
117.031	Eminent domain proceeding	M/P, depending on size of damage award	Property owner	Reasonable
117.043, subd. 2	Action for failure to deliver possession of real estate in an eminent domain case	P	Entity exercising eminent domain	Only attorney fees incurred by the petitioner in getting possession of the real estate
117.045	Person compelling an acquiring entity to initiate eminent domain proceedings	P	Petitioner	Reasonable
117.105, subd. 2	Action against a commissioner who fails to file a report in eminent domain proceedings	M	Owner of the property if proceedings are set aside as to that owner	Reasonable
117.195, subd. 2	Dismissal of eminent domain case	P	Owner	Reasonable
123B.02, subd. 20	Reimbursement by school board to independent school district employee for defense of criminal charges brought against employee relating to employment	P	District employee	Reasonable
192.30	Action against a state military officer	P	State	Reasonable
282.40	Cancellation of tax-forfeited land installment sale contracts by the state	M	The county	None
422A.05, subd. 2f	Breach of fiduciary duty by the members of the Minneapolis Retirement Board	M	Plaintiff	Reasonable
471.425, subd. 4	Vendor seeking payments delayed in bad faith by a municipality	M	Vendor	None
471.425, subd. 4a	Subcontractor seeking interest from a prime contractor of a municipality	M	Subcontractor	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
473.142	Subcontractor action for interest penalties against a prime contractor of a municipality	M	Subcontractor	None
574.26(2)	Action to enforce claims under the Public Contractors Performance and Payment Bond Act	P	Successful plaintiff	Reasonable
<b>Agriculture and Farm Business</b>				
17.94	Implied promise of good faith in agricultural contracts	P	Party to an agricultural contract damaged by the contract	None
18D.315, subd. 2	To enforce payment of a penalty for chemical liability	P	Agriculture commissioner	None
32.74	Dairy trade practices	P	Person injured by a violation	Reasonable
35.95, subd. 6	Actions brought by the attorney general or county attorney against a person who violates the animal health statute	M	State	Reasonable, with consideration for the economic circumstance of the defendant
325E.065	Action against a farm equipment manufacturer for violating trade practices law	P	Farm equipment dealer	Reasonable
325E.167, subd. 2	Tampering with clock-hour meter on farm tractor	M	Injured person	Reasonable
325F.6656, subd. 6	Action against a person who violated the farm equipment warranty compliance law	P	Damaged consumer	Reasonable
500.245, subd. 1, para (n)	Action against a person who sells farmland under certain circumstances	M	Person damaged by sale	Reasonable
514.945, subd. 8	Agricultural producer's lien	M	Prevailing party	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
550.42, subd. 2	Action against a person, corporation, or financial institution for requiring a waiver of an agricultural debtor's rights not authorized by law	M	Debtor	None
583.27, subd. 1	Mediation in farm mortgage and contract for deed actions	M	Court may assess fees among the parties	None
583.27, subd. 3	Creditor who has not participated in farm mortgage mediation in good faith	M	Debtor, if the creditor does not mediate in good faith	None
609.551, subd. 4	Action for rustling and livestock theft	P	Injured person	Reasonable
<b>Alcohol, Tobacco, and Firearms</b>				
97B.066, subd. 11	Enforcement of a civil penalty against an intoxicated hunter	P	Political subdivision that imposed the civil penalty, if the penalty is not paid 30 days after it is imposed	None
181.938, subd. 4	Action against an employer for refusing to hire or for discharging an employee for consuming or using lawful products such as tobacco and alcoholic beverages during nonwork hours	M	Prevailing party	Reasonable
181.956, subd. 2	Action against an employer for violating drug and alcohol testing policy	P	Injured employee	Reasonable
325B.08	Action by a wholesaler against a beer brewer who engages in prohibited conduct	P	Wholesaler	None
325D.40, subd. 1	Action against a violator of the Cigarette Sales Act	M	Plaintiff	Reasonable
325D.421, subd. 2	Action relating to unlawful cigarette trade practices (economic damages/commercial injury)	P	Injured person	Reasonable
325F.78	Action for an injunction prohibiting violation of tobacco products distribution law	P	Attorney general	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
327.742, subd. 2a	Smoking in nonsmoking hotel room	M	Innkeeper	Reasonable; not more than \$500
340A.802, subd. 3	Action against a claimant who gave notice of a dram shop action to a liquor licensee in bad faith	M	Licensee	Reasonable
624.714, subd. 8	Denial of petition by sheriff to revoke permit to carry	M	Permit holder	None
624.714, subd. 12(d)	Petition by permit holder to appeal revocation of permit	M	Prevailing permit holder	Reasonable
624.714, subd. 16(c)	Denial of petition by sheriff to revoke out-of-state permit to carry	M	Permit holder	Reasonable
<b>Banking, Business, and Commerce</b>				
13B.06	Action against a financial institution for malicious use of data	M	Account holder	Reasonable
47.20, subd. 13a	Usury by specified financial corporations	P	Persons who paid interest	None
47.69, subd. 5	Action against a financial corporation for violating the privacy of a customer's account	M	Customer	Reasonable
48.185, subd. 7	Open-end loan account arrangements by banks and trust companies	P	Any bank or savings bank injured by violation of this section by another institution	None
53A.13, subd. 3	Action against a currency exchange for false ads or failure to give notice	P	Person damaged by a violation	Reasonable
60A.031, subd. 9	Action for defamation or other tort against the commerce commissioner for examining an insurance company	P	Prevailing commerce commissioner	None
62N.29, subd. 7	Protection, defense, or enforcement of a guarantee agreement between guaranteeing organization and community networks	M	Commissioner of Commerce	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
80A.76	Civil action against a person who violates securities sale or purchase law	M	Specified persons damaged by a violation related to the purchase or sale of a security	Reasonable
80C.146, subd. 3, and 80C.17, subd. 3	Service station franchise law violations	P	Attorney general or any aggrieved party who institutes an action	Reasonable
80D.13, subd. 1	Action against any person who enters into a contract for a continuing care facility without having first delivered a disclosure statement meeting the requirements of section 80D.04	M	Person seeking the continuing care	Reasonable
80E.05	Action to require motor vehicle makers to indemnify franchised dealers in damage actions	M	Dealer	Reasonable
80E.17	Motor vehicle franchise law violation	P	Any person whose business or property is injured by a franchise law violation	Reasonable
80F.17	Motor vehicle fuel franchises; violation of provisions	M	Prevailing party (dealer or supplier, depending on what is in marketing agreement)	None
116J.994	State or local agency noncompliance with business subsidy law	P	Prevailing party	Reasonable
270C.445, subd. 7	Civil action for unfair, deceptive, unlawful trade practice relating to tax preparation services	M	Prevailing plaintiff	Reasonable
300.16	Stockholder action to determine the fair market value of corporate stock	M	Stockholder	Reasonable
302A.461, subd. 4a	Corporation seeking nondisclosure of corporate proceedings	M	Prevailing shareholder, beneficial owner, or holder of voting trust certification	Reasonable
302A.467	Action against a corporation, officer, or director who violates a business corporation law	P	Shareholder	Reasonable
302A.521, subd. 2	Indemnification by corporation (with certain limitations)	M	Person acting in former/present official capacity	Reasonable
302A.521, subd. 2	Third-party indemnification by a corporation	M	Person threatened to be made party to a proceeding by reason of his or her official capacity	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
302A.751, subd. 4	Equitable corporate dissolution and other remedies	P	Any party, if another party did not act in good faith	Reasonable
308A.941, subd. 4	Equitable dissolution of a cooperative and other remedies	P	Any party, if another party did not act in good faith	Reasonable
308B.471, subd. 2	Indemnification by cooperative (with certain limitations)	M	Person acting in former/present official capacity	Reasonable
308B.501	Refusal by cooperative of right of member to inspect cooperative records	P	Prevailing party	Reasonable
308B.931, subd. 4	Action brought under Cooperative Associations Act	P	Any other aggrieved party to the dispute, where one party is found to have acted in bad faith	Reasonable
321.1005	Derivative action under the Uniform Limited Partnership Act	P	Plaintiff	Reasonable
322B.373, subd. 3	Limited liability company seeking nondisclosure of company information	M	Prevailing member of the limited liability company	Reasonable
322B.38	Action against a limited liability company, a manager, or governor if the company violates the law	P	Member	None
322B.699	Indemnification by limited liability company (with certain limitations)	M	Person acting in former/present official capacity	Reasonable
322B.833, subd. 7	Equitable remedies against a limited liability company	P	Any party, if another party did not act in good faith	Reasonable
323A.0701	Action against partnership relating to disassociated partner's interest	P	Any party, if another party did not act in good faith	Reasonable
325A.09, subd. 5	Civil action against an invention developer	P	Injured party	Reasonable
325B.08	Action by a wholesaler against a beer brewer who engages in prohibited conduct	P	Wholesaler	None
325C.04	Misappropriation of a trade secret	P	Prevailing party, if the opponent acted in bad faith	Reasonable
325D.40, subd. 1	Action against a violator of the Cigarette Sales Act	M	Plaintiff	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
325D.421, subd. 2	Action relating to unlawful cigarette trade practices (economic damages/commercial injury)	P	Injured person	Reasonable
325D.45, subd. 2	Action against a person engaging in a deceptive trade practice	P	Prevailing party	None
325D.57	State anti-trust law	M	Injured person, governmental body, or the state	Reasonable
325D.67	Petroleum discrimination between localities	P	Purchaser	Reasonable
325E.0684	Action against a manufacturer for damages from violations of trade practice law	P	Equipment dealer	Reasonable
325E.1251, subd. 2	Violation of battery requirements by a manufacturer	P	State	Reasonable
325E.16, subd. 3	Civil action concerning trade practices relating to odometers	M	Injured person	Reasonable
325F.694, subd. 7	Civil action relating to false/misleading commercial electronic mail messages	P	Prevailing party	Reasonable
325F.78	Action for an injunction prohibiting violation of distribution of tobacco products law	P	Attorney general	Reasonable
325G.34	Violation of the Plain Language Contract Act, class action	P	Consumer class, unless party made good faith and reasonable effort to comply with law	\$10,000 in costs and attorney fees
325G.44	Action for damages under the credit card disclosure law	P	Any injured person	Reasonable
325K.18(2)	Action to recover from the principal the amount of a qualified right to payment under the Elections Authentication Act	P	Claimant on a bond or letter of credit	Reasonable
325N.06	Foreclosure consultant violations	M	Foreclosed homeowner	Reasonable
332.60	Action against a credit services organization for violating the Credit Service Organization Act	P	Damaged buyer	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
332.70, subd. 5	Business screening service; data violation <sup>4</sup>	M	Violated individual	Reasonable
332A.18, subd. 2	Debt management services; deceptive practices	M	Prevailing plaintiff or class	Reasonable
333.29	Action to enjoin the use of a trademark	P	Prevailing party if other party acted knowingly or in bad faith	Reasonable
336.4A-211	Cancellation of a payment order sent to a bank	M	The bank	Reasonable
336.4A-305	Action against a receiving bank if a demand is refused	P	Sender of demand, under specified conditions	Reasonable
336.4A-404	Bank refuses demand for interest	P	Beneficiary of payment, as specified	Reasonable
336.5-111	Action for damages for breach connected with a letter of credit	M	Prevailing party	Reasonable
336.9-623	Debtor's redemption of collateral in a secured transaction	M	Secured party	Reasonable
507.403, subd. 4	Wrongfully executed mortgage satisfaction certificate	M	Mortgagee/assignee	Reasonable
545.05, subd. 12	Expedited review of financing statements	P	Prevailing party	None
550.42, subd. 2	Action against a person, corporation, or financial institution for requiring a waiver of an agricultural debtor's rights where waiver is not authorized by law	M	Debtor	None
551.04, subd. 11	Judgment creditor using a misleading form	M	Judgment debtor	Reasonable

<sup>4</sup> This section is effective July 1, 2009.

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
582.03, subd. 1	Foreclosure redemption costs claimed by holder of sheriff's sale certificate	M, if claimed by certificate holder	Holder of sheriff's certificate of sale or certificate of redemption by junior creditor	Reasonable fees incurred after the sale; not more than one-half the amount authorized by section 582.01
582.08	Possession of mortgaged premises	M	Receiver	Reasonable
583.27, subd. 1	Mediation in farm mortgage and contract for deed actions	M	Assessed among the parties	None
583.27, subd. 3	Creditor who has not participated in farm mortgage mediation in good faith	M	Debtor, if the creditor does not mediate in good faith	None
604.113, subd. 2	Civil liability for issuance of a worthless check	M	Holder of the check, if issuer issued more than \$1,250 in dishonored checks within a six-month period	Reasonable
604.17, subd. 2	Fraudulent financing statements	M	Injured parties	Reasonable
609.911, subd. 4	Racketeering	M	Prosecuting authority	Reasonable
<b>Campaigns and Elections</b>				
10A.20, subd. 15	Failure to timely file campaign reports (or follow notice provisions)	P	Prevailing party	None
204C.35, subd. 2, and 204C.36, subd. 4	Discretionary election recount request by losing candidate	M	Governing body conducting the recount	None
211B.36, subd. 3	Frivolous complaint of a local campaign finance law or fair campaign practices violation	P	Respondent	Reasonable
<b>Consumer Protection and Debt Collection</b>				
8.31, subd. 3a	Various consumer fraud, business, and trade regulations	P	Any person injured by violation of the law	Reasonable
149A.98	Funeral provider fee collection	P	Funeral provider	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
270C.445, subd. 7	Civil action for unfair, deceptive, unlawful trade practice relating to tax preparation services	M	Prevailing plaintiff	Reasonable
325D.45, subd. 2	Action against a person engaging in a deceptive trade practice	P	Prevailing party	None
325F.665, subd. 8	Action against party who delayed settlement in consumer protection action by asserting a frivolous claim	M	Prevailing party	Reasonable
325F.694, subd. 7	Civil action relating to false/misleading commercial electronic mail messages	P	Prevailing party	Reasonable
325F.71, subd. 4	Civil action against a person who fraudulently deceived a senior citizen or handicapped person	P	Injured person	Reasonable
325F.755, subd. 7	Intentional violation of prize notices and solicitations law	M	Person suffering pecuniary loss	Reasonable
325F.784, subd. 2	Violation of regulations relating to prescription drug discount cards	P	Plaintiff	Reasonable
325F.791, subd. 8	Pet dealer regulation	M	Prevailing party	Reasonable and not exceeding \$500
325F.795, subd. 4	Action to recover damages for unauthorized possession of merchandise pallets	P	Any person injured	Reasonable
325G.11	Violation of home solicitation sales law	P	Injured party	Reasonable
325G.207, subd. 3	Action for violation of law on assistive devices	M	Consumer	Reasonable
325G.28, subd. 2	Civil action against a health, social referral, or buying club for violating the club contract law	P	Injured person	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
325G.34	Violation of the Plain Language Contract Act, class action	P	Consumer class, unless party made good faith and reasonable effort to comply with law	Cost of investigation and attorney fees may not exceed \$10,000
325G.44	Action for damages under the credit card disclosure law	P	Any person injured	Reasonable
325I.03	Wrongful disclosure of video customer records	M	Consumer	Reasonable
327.665, subd. 4	Action to repossess property following debtor default	M	Secured party	Greater of \$150 or one-half the amount authorized by section 582.01
332.60	Action for violation of the Credit Service Organization Act	P	Damaged buyer	Reasonable
332A.18, subd. 2	Debt management services; deceptive practices	M	Prevailing plaintiff or class	Reasonable
336.9-623	Debtor's right to redeem collateral in a secured transaction	M	Secured party	Reasonable
481.13	Enforcement of a lien for attorney fees	P	The attorney	None
550.135, subd. 5	Levy on personal property	P	Judgment creditor in extraordinary cases	Reasonable
550.135, subd. 12	Bad faith claim of exemption on a personal property levy action	M	Judgment creditor	Reasonable
550.143, subd. 10	Bad faith claim of exemption of bank funds by a debtor	M	Judgment creditor	Reasonable
550.42, subd. 2	Action against a person, corporation, or financial institution for requiring a waiver of an agricultural debtor's rights when waiver is not authorized by law	M	Debtor	None
551.04, subd. 5	Attorney summary execution	P	Judgment creditor in extraordinary cases	Reasonable
551.04, subd. 11	Judgment creditor's use of a misleading form	M	Judgment debtor	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
551.04, subd. 13	Bad faith claim of exemption in attorney summary executions	M	Judgment creditor	Reasonable
551.05, subd. 8	Bad faith claim of earnings exemption from a creditor's claim	M	Judgment creditor	Reasonable
571.72, subd. 6	Bad faith garnishment claim	M	Creditor	Reasonable
571.72, subd. 7	Creditor's use of a misleading form	M	Debtor	Reasonable
571.76	Wage garnishment summons	P	Garnishee	Reasonable
571.90	Against a creditor for serving a garnishment summons before entry of judgment	M	Debtor	Reasonable
571.931, subd. 5	Motion for prejudgment garnishment	M	Debtor, if motion made in bad faith	Reasonable
<b>Data and Privacy</b>				
13.08, subs. 1 and 4	Action for damages or to compel compliance with Government Data Practices Act	P	Aggrieved person or representative of a dead person who was damaged; government entity if court determines claim is frivolous	Reasonable
13.82, subd. 14	Withholding public government data	P	Any person from whom data was unreasonably withheld	None
13B.06	Action against a financial institution for malicious use of data	M	Account holder	Reasonable
47.69, subd. 5	Action against a financial corporation for violating the privacy of a customer's account	M	Customer	Reasonable
144.298	Unauthorized release of health information	M	Patient	Reasonable
181.935	Action against an employer for retaliating against an employee whistleblower	P	Injured employee	Reasonable
181.9641	Department of Labor enforcement of employee personnel records laws against employer	P	State	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
181.965, subd. 1	Action against an employer for retaliating against an employee who asserting the right to review personnel records	P	Aggrieved employee	Reasonable
181.974, subd. 3	Unlawful use of protected genetic information	P	Aggrieved person	Reasonable
181.980, subd. 6	Noncompliance with access and use provisions relating to employee assistance records	P	Recipient of employee assistance services	Reasonable
325I.03	Wrongful disclosure of video customer records	M	Consumer	Reasonable
325M.07	Violation of Internet privacy laws relating to disclosure of personal information	P	Prevailing party	Reasonable
332.70, subd. 5 <sup>5</sup>	Business screening service; data violation	M	Violated individual	Reasonable
626A.391, subd. 1	Violation of privacy using trap and trace device and mobile tracking device	P	Injured party	Reasonable
<b>Education</b>				
81A.16, subd. 1	Violation of Uniform Athlete Agents Act by athlete agent or former student athlete	P	Educational institution	Reasonable
123B.02, subd. 20	Reimbursement by school board to independent school district employee for defense of criminal charges brought against employee relating to employment	P	District employee	Reasonable
137.36	Civil action by a subcontractor to collect interest penalties from a prime contractor on a University of Minnesota contract	M	Prevailing subcontractor	None

<sup>5</sup> This section is effective July 1, 2009.

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
325E.33, subd. 5	Action to void an illegal student athletic contract	M	Student athlete	Reasonable
<b>Employment and Workers' Compensation</b>				
123B.02, subd. 20	Reimbursement by school board to independent school district employee for defense of criminal charges brought against employee relating to employment	P	District employee	Reasonable
144.4196	Employment discrimination against employee previously subject to health quarantine	M	Prevailing employee	Reasonable
176.061, subd. 3	In a workers' compensation case, action against a party to recover attorney fees on behalf of the special compensation fund	P	Employer or attorney general	Reasonable
176.081, subds. 1, 11	Action under workers' compensation in general	P	Employee or attorney representing employee	Statutory formula
176.135, subd. 1	Action against an employer for failing to provide medical appliances under workers' compensation	P	Employee	None
176.185, subd. 8a	Worker compensation claims; failure to provide files and data to Insurance Guaranty Association in a timely manner	M	Insurance Guaranty Association	Reasonable
176.191, subd. 1	Dispute between two or more employers or insurers regarding workers' compensation liability	M	Prevailing party	Reasonable
176.2615, subd. 4	Workers' compensation action in small claims court	P	Employee	Statutory formula
176.511, subd. 3	Workers' compensation appeal	P	Prevailing party on appeal	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
176.82	Action for civil damages for obstructing an employee seeking workers' compensation benefits	M	Employee	Reasonable
177.27, subd. 10	Violation of minimum wage law	M	Employee	Reasonable
181.145, subd. 4	Salesperson action against an employer over disputed commission	M	Salesperson	Reasonable
181.171	Action against an employer who pays an employee less than the wages and overtime compensation to which employee is entitled	M	Employee	Reasonable
181.635, subd. 3	Damages for violation of law requiring disclosures to food processing employees	P	Any person injured by a violation	Reasonable
181.65	Action against any person, firm, association, or corporation for inducing a person to enter employment using false statements	M	Employee	Reasonable
181.68, subd. 2	Action by an employee against an employer for a rate of pay based on sex discrimination	M	Employee	Reasonable
181.721, subd. 4	Action against a construction bidder who fails to provide workers' compensation	P	Person injured	None
181.722, subd. 4	Misrepresentation of employment relationship by employer; construction workers	P	Plaintiff construction worker	Reasonable
181.75, subd. 4	Action for damages due to polygraph tests of employees or prospective employees	P	Any person injured by a violation	Reasonable
181.81, subd. 2	Action against an employer by an employee for age discrimination	P	Employee	Reasonable
181.89, subd. 2	Action by migrant worker against an employer for wage violations	P	Worker	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
181.935	Action against an employer for retaliating against an employee whistleblower	P	Injured employee	Reasonable
181.937	Action against an employer for retaliation against an employee who declines to make a charitable contribution	P	Injured employee	None
181.938, subd. 4	Action against an employer for refusing to hire or for discharging an employee for consuming or using lawful products such as tobacco and alcoholic beverages during nonwork hours	M	Prevailing party	Reasonable
181.944	Action against an employer for violating the Parental Leave Act	P	Person injured by the violation	Reasonable
181.956, subd. 2	Action against an employer for violating drug and alcohol testing policy	P	Injured employee	Reasonable
181.9641	Enforcement by Department of Labor for violations by employers relating to employee personnel records	P	State	None
181.965, subd. 1	Action against an employer who retaliated against an employee for asserting the right to review personnel records	P	Aggrieved employee	Reasonable
181.980, subd. 6	Noncompliance with access and use provisions relating to employee assistance records	P	Recipient of employee assistance services	Reasonable
182.669	Civil action against an employer for discharging or discriminating against an employee for exercising a right under the state Occupational Safety and Health Act	P	Injured employee or the Commissioner of Labor and Industry (whichever brings the suit)	None
185.13	Injunction arising from a labor dispute	M	Defendant	Reasonable
268.057, subd. 4	Unemployment insurance tax collection	M	Department of Employment and Economic Development	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
268.184, subd. 1	Enforcement of subpoena related to fraudulently obtained unemployment benefits	M	Commissioner of Revenue	None
325E.37, subd. 5	Wrongful termination of sales representatives	P	Prevailing sales representative; prevailing other party if complaint was frivolous	Reasonable
422A.05, subd. 2f	Breach of fiduciary duty by the members of the Minneapolis Retirement Board	M	Plaintiff	Reasonable
571.76	Wage garnishment summons	P	Garnishee	Reasonable
593.50(3)	Action for wrongful termination due to jury duty	M	Employee	Reasonable
626.557, subds. 10 and 17	Action against an employer or a county for retaliating against an employee for reporting maltreatment of a vulnerable adult	M	Employee	Reasonable
<b>Energy and Utilities</b>				
103F.518, subd. 10	Clean energy easement violations by landowner	P	Attorney general	Reasonable
216B.16, subd. 3	Action against a public utility that has failed to make rate refunds within the time period prescribed by the Public Utilities Commission	M	Public Utilities Commission	Reasonable
216B.164, subd. 5	Dispute between a qualifying facility and an electric utility	M	Prevailing party; a utility may recover only if the qualifying facility acts in bad faith	Reasonable
237.075, subd. 3	Action against a phone company for failing to make refunds	M	Public Utilities Commission	Reasonable
238.18, subd. 3	Unfair preferences by a cable company	P	Prevailing party	Reasonable
325D.67	Petroleum discrimination between localities	P	Purchaser	Reasonable
504B.221	Action against a landlord for unlawful termination of utilities	P	Tenant	Reasonable

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Environment, Natural Resources, and Land Use</b>				
82A.11, subd. 2	Membership camping contract law violations	M	Purchaser of a membership camping contract	Reasonable
82A.19, subd. 3	Membership camping disclosure or unfair or prohibited practices violations	P	Purchaser of a membership camping contract	Reasonable
84.66, subd. 11	Violation of “Forests for the Future” program easement	M	Attorney general	None
103D.545, subd. 3	Watershed district enforcement action	P	Prevailing party	Reasonable
103E.097	Drainage law appeals by the Department of Natural Resources (DNR)	P	Prevailing party; the DNR may not recover attorney fees	None
103E.812, subd. 6	Transfer of drainage system from drainage authority to water management authority following expiration of lien payment period	M	Drainage authority	None
103F.515, subd. 9	Action against a landowner who violates a conservation easement or agreement	P	State	None
103I.235, subd. 2	Liability for failure to disclose a well on sale of property	M	Buyer of property	Reasonable
103I.241, subd. 2	Action for well contamination	P	Injured owner of real property	Reasonable
115.55, subd. 6	Damages for failure to disclose existence of an individual sewage treatment program	M	Buyer of property	Reasonable
115A.30	Civil action regarding waste management	M	Prevailing nongovernmental party if an action is frivolous or in bad faith	Reasonable
115A.86, subd. 6	Violation of a waste management ordinance	P	County	None
115A.882, subd. 4	Civil action against a person violating environmental protection waste management law	P	Prevailing county	Reasonable
115A.965, subd. 5	Prohibition on selected toxics in packaging	P	State	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
115B.14	Action for release of hazardous substance from a facility	P	Prevailing party	Reasonable
115B.17, subd. 6	Action to protect the public against release of pollutants from a facility	P	State	Reasonable
115B.41, subd. 1	Landfill cleanup cost recovery	M	Applicable commissioner	Reasonable
115B.412, subd. 2	Landfill regulation enforcement action	P	Applicable commissioner	None
115B.414	Defense of third-party claims related to landfill cleanup	M	The third party	\$75 per hour up to a maximum of 75 percent of the fees incurred
115B.444, subd. 1	State action against insurer for recovery of environmental response costs incurred by the state	M	State	None
116.072, subd. 9	Administrative penalties for hazardous waste violations	P	State	None
117.031	Eminent domain proceeding	M/P, depending on size of damage award	Property owner	Reasonable
117.043, subd. 2	Action for failure to deliver possession of real estate in an eminent domain case	P	Entity exercising eminent domain; only attorney fees incurred by the petitioner in acquiring possession of the real estate may be recovered	None
117.045	Person compelling an acquiring entity to initiate eminent domain proceedings	P	Petitioner	Reasonable
117.105, subd. 2	Action against a commissioner who fails to file a report in eminent domain proceedings	M	Owner of the property if proceedings are set aside as to that owner	Reasonable
117.195, subd. 2	Dismissal of eminent domain case	P	Owner	Reasonable
299A.52, subs. 1 and 2	Action involving hazardous materials incident	P	Regional hazardous materials response team	Reasonable
299K.10, subd. 7	Hazardous chemical emergency enforcement	P	Prevailing party	Reasonable
473.849	Enforcement of solid waste disposal law	P	Metropolitan county	None

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Family Issues and Human Services</b>				
252A.20, subd. 1	Action to protect a mentally retarded individual	M	A court-appointed lawyer for the ward	Reasonable
256.9695, subd. 2	Action against a hospital that transfers a Medical Assistance patient to another hospital without the other hospital's consent	M	Receiving hospital	Reasonable
256B.121	Action against a vendor of medical care who willfully submits a false cost-reimbursement report	M	The state or any political subdivision	Reasonable
256B.35, subd. 6	Action against a nursing home for denying a Medical Assistance personal allowance	P	Injured person	Reasonable
256B.48, subd. 1	Action against a nursing facility and vendor of ancillary services for violating conditions of participation	M	State, state agency, political subdivision, or paying nursing home resident	Reasonable
256B.50, subd. 1e	Contested case or appeal by a provider regarding a determination of a payment rate	M	Prevailing party	(1) Department of Human Services fees and actual costs  (2) Provider fees are limited to the lesser of the attorney's normal fee or \$100 per hour
257.75, subd. 4	Action to vacate a recognition of parentage	P	Prevailing defendant	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
259.58	Action to enforce an agreed-upon order regarding communication with adopted children	P	Prevailing party	Reasonable
260B.331, subd. 5	Juvenile delinquency petition	P	The attorney or county representing the minor may receive payment from parents	None
260C.331, subd. 5	Court-appointed counsel for minor in child protection proceedings	P	State (after inquiry into whether parents can pay)	None
289A.50, subd. 5	Action to determine or collect child support	M	Public agency, parent, or guardian is reimbursed by support obligor's tax refund	None
325F.71, subd. 4	Civil action against a person who deceived by fraud a senior citizen or handicapped person	P	Injured person	Reasonable
518.131, subd. 1	Temporary order in a marriage dissolution action	P	Either party	Reasonable
518.14, subd. 1	Dissolution proceeding; action seeking funds to pay attorney fees	M	Party needing the money to carry on the proceedings; a party who causes unreasonable delay may also be required to pay fees to opposing party	None
518A.735	Enforcement of child support	M	Obligee, in specified circumstances	Reasonable
518.175, subd. 6	Action to enforce compliance with a visitation order	P	Party aggrieved by the other's wrongful failure to comply with the order	Reasonable
518A.53	Action against an employer or financial institution failing to withhold child support	M	Obligee or public authority	Reasonable
518C.305	Interstate child support enforcement	P	Either party	Reasonable
518C.313	Action for interstate child support enforcement	P	Prevailing obligee	Reasonable
518D.208	Interstate child custody dispute	P	If an action seeking custody is dismissed because the court declines to exercise jurisdiction due to unjustifiable conduct, the opposing party may be awarded fees	Necessary and reasonable
518D.312	Interstate child custody dispute	M	Prevailing party	Necessary and reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
626.556, subd. 4	Civil action against a person who has immunity from prosecution for reporting child maltreatment	P	Person who made report of maltreatment	None
626.557, subd. 6	Damages for injury caused by a false vulnerable adults abuse report	M	Subject of false report	None
626.557, subds. 10 and 17	Action against an employer or a county for retaliating against an employee for reporting maltreatment of a vulnerable adult	M	Employee	Reasonable
<b>Health Care and Related Professions</b>				
62Q.74	Health care provider against a network organization	P	Health care provider	Reasonable
80D.13, subd. 1	Action against any person who enters into a contract for a continuing care facility without having first delivered a disclosure statement meeting the requirements of section 80D.04	M	Person seeking the continuing care	Reasonable
144.298	Unauthorized release of health information	M	Patient	Reasonable
144.4195, subd. 5	Appeal by nonindigent person quarantined for health reasons	P	Department of Health or local public health board	None
144.4196	Employment discrimination against employee previously subject to health quarantine	M	Prevailing employee	Reasonable
144.991, subd. 7	Civil action against a person who fails to pay health department administrative penalties	P	State	None
145.4247, subd. 3	Failure to comply with regulations governing abortion procedures	M	Plaintiff; defendant if suit found to be frivolous/made in bad faith	Reasonable
145.682, subd. 7	Malpractice; if a plaintiff or attorney signs a false affidavit of expert review	M	Defendant	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
148B.175, subd. 6	Disciplinary action against a therapist	P	Licensing board	None
148B.69, subd. 1, cl. 7 <sup>6</sup>	Disciplinary action against an unlicensed mental health practitioner	P	Commissioner of Health	None
148C.091, subd. 1	Disciplinary action against a licensed drug and alcohol counselor	P	Commissioner of Health	None
149A.10	Disciplinary action against a person subject to mortuary science laws and rules	P	Department of Health	None
149A.98	Funeral provider fee collection	P	Funeral provider	Reasonable
151.061, subd. 2	Unfair price discrimination in pharmaceutical sales	P	Purchaser	Reasonable
153A.15, subd. 2	Action against a hearing instrument dispenser	P	Commissioner of Health	None
154.161, subd. 6	Disciplinary action against a barber	P	Board of Barber Examiners	None
181.974, subd. 3	Unlawful use of protected genetic information	P	Aggrieved person	Reasonable
256.9695, subd. 2	Action against a hospital that transfers a Medical Assistance patient to another hospital without the other hospital's consent	M	Receiving hospital	Reasonable
256B.121	Action against a vendor of medical care who willfully submits a false cost-reimbursement report	M	The state or any political subdivision	Reasonable
256B.35, subd. 6	Action against a nursing home for denying a Medical Assistance personal allowance	P	Injured person	Reasonable
256B.48, subd. 1	Action against a nursing facility and vendor of ancillary services for violating conditions of participation	M	State, state agency, political subdivision, or paying nursing home resident	Reasonable

<sup>6</sup> This section is repealed effective July 1, 2009.

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
256B.50, subd. 1e	Contested case or appeal by a provider regarding a determination of a payment rate	M	Prevailing party	(1) Department of Human Services fees and actual costs  (2) Provider fees are limited to the lesser of the attorney's normal fee or \$100 per hour
325F.784, subd. 2	Violation of regulations relating to prescription drug discount cards	P	Plaintiff	Reasonable
325G.207, subd. 3	Action for violation of law on assistive devices	M	Consumer	Reasonable
514.71	Action for release of a hospital lien	P	Prevailing claimant	Reasonable
609.7495, subd. 4	Action for physical interference with safe access to health care	M	Prevailing party	None
<b>Housing and Real Property</b>				
83.28, subd. 2	Voiding a purchase of a sales contract for subdivided land	M	Purchaser	Reasonable
83.37, subd. 4	Remedies for purchase of a contract for sale of certain subdivided lands	P	Purchaser	Reasonable
103I.235, subd. 2	Liability for failure to disclose a well on sale of property	M	Buyer of property	Reasonable
117.031	Eminent domain proceeding	M/P, depending on size of damage award	Property owner	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
117.043, subd. 2	Action for failure to deliver possession of real estate in an eminent domain case	P	Entity exercising eminent domain	Only attorney fees incurred by the petitioner in getting possession of the real estate
117.045	Person compelling an acquiring entity to initiate eminent domain proceedings	P	Petitioner	Reasonable
117.105, subd. 2	Action against a commissioner who fails to file a report in eminent domain proceedings	M	Owner of the property if proceedings are set aside as to that owner	Reasonable
117.195, subd. 2	Dismissal of eminent domain case	P	Owner	Reasonable
152.0275, subd. 2(n)	Property seller's failure to disclose on-site methamphetamine production; collection of cleanup costs by buyer	M	Buyer/transferee	Reasonable
282.40	Cancellation of tax-forfeited land installment sale contracts by the state	M	The county	None
325N.06	Foreclosure consultant violations	M	Foreclosed homeowner	Reasonable
325N.18, subd. 6	Stay of eviction action	P	Foreclosed homeowner, if defendant acted in bad faith or without merit	Reasonable
327C.11, subd. 1	Redemption by a resident after eviction from manufactured home park for nonpayment of rent	M	Park owner for the third or subsequent redemption within a 12-month period	Reasonable
336.2A-108	Lease contract found to be unconscionable	P	Lessee	Reasonable
462.358, subd. 4a	Action against a land seller for not disclosing certain information about a subdivision	P	Buyer	Reasonable
469.1771, subd. 1	Taxable property owner's claim for damages or equitable relief related to tax financing system	M	Prevailing party	Reasonable
500.245, subd. 1, para (n)	Action against a person who sells farmland under certain circumstances	M	Person damaged by sale	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
504B.165	Action for willful and malicious destruction of leased residential property	P	Prevailing party	Reasonable
504B.173, subd. 4	Civil action against landlord for violations relating to applicant screening fees	M	Applicant	Reasonable
504B.204	Action against a landlord for accepting rent or a security deposit on condemned residential premises	M	Tenant	None
504B.205, subd. 5	Action against a landlord for barring a tenant from calling 911 for assistance	P	Tenant	Reasonable
504B.221	Action against a landlord for unlawful termination of utilities	P	Tenant	Reasonable
504B.231	Action against a landlord for unlawfully ousting a tenant	P	Tenant	Reasonable
504B.271, subd. 2	Action against a landlord or agent for failing to allow the tenant to retake the tenant's stored possessions	M	Tenant	Reasonable
504B.425, para. (g)	Action against a landlord of a building with various violations	P	Tenant or neighborhood organization	\$500
507.235, subd. 5	Action to compel the recording of a contract for deed	P	City or county attorney	Reasonable
507.403, subd. 4	Wrongfully executed mortgage satisfaction certificate	M	Mortgagee/assignee	Reasonable
508.70; 508A.70	Action to register land acquired by adverse possession	P	Any person as the court deems just	Reasonable
514.011, subd. 3	Action against a contractor who fails to supply the name and address of an owner to a subcontractor	M	Subcontractor	Reasonable
514.02, subd. 1a	Nonpayment for improvement to real estate	P	Injured person	Reasonable
515A.3-115	Uniform Condominium Act lien for assessment	M	Prevailing party	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
515A.4-115	Violation of the Uniform Condominium Act	P	Person adversely affected by the violation	Reasonable
515B.3-111	Action against a declarant for tort and contract liability under the Common Interest Ownership Act	M	Damaged association or unit owner	Reasonable
515B.3-116	Common Interest Ownership Act foreclosure of a lien for assessment	M	Association	Limit of \$500
515B.4-116	Action against a person who violates a provision of the Common Interest Ownership Act	P	Prevailing party	Reasonable
559.217, subd. 6	Action to suspend cancellation of purchase agreement	P	Prevailing party	Not more than \$3,000, including court filing fees and cost of notice
582.03, subd. 1	Foreclosure redemption costs claimed by holder of sheriff's sale certificate	M, if claimed by certificate holder	Holder of sheriff's certificate of sale or certificate of redemption by junior creditor	Reasonable fees incurred after the sale; not more than one-half the amount authorized by section 582.01
582.08	Action for possession of mortgaged premises	M	Receiver	Reasonable
583.27, subd. 1	Mediation in farm mortgage and contract for deed actions	M	Assessed among the parties	None
583.27, subd. 3	Creditor who has not participated in farm mortgage mediation in good faith	M	Debtor, if the creditor does not mediate in good faith	None

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Insurance</b>				
60A.031, subd. 9	Action for defamation or other tort against the commerce commissioner for examining an insurance company	P	Prevailing defendant	None
60A.21, subd. 4	Action against an unauthorized foreign or alien insurer upon insurance issued or delivered in this state	P	Plaintiff wronged by the insurer	Reasonable
60B.365	Reinsurer's liability	M	Plaintiff	None
60B.48, subd. 2	Insurers Rehabilitation and Liquidation Act (denial of application by others for order from the court)	M	Liquidator	Reasonable
62N.29, subd. 7	Protection, defense, or enforcement of a guarantee agreement between guaranteeing organization and community networks	M	Commissioner of Commerce	Reasonable
176.185, subd. 8a	Workers' compensation claims; failure to provide files and data to Insurance Guaranty Association in a timely manner	M	Insurance Guaranty Association	Reasonable
176.191, subd. 1	Dispute between two or more employers or insurers regarding workers' compensation liability	M	Prevailing party	Reasonable
604.18, subd. 3	Denial of insurance coverage without reasonable basis	P	Insured, with some conditions	Reasonable; not more than \$100,000
<b>Manufacturing and Construction</b>				
137.36	Civil action by a subcontractor to collect interest penalties from a prime contractor on a University of Minnesota contract	M	Prevailing subcontractor	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
181.721, subd. 4	Action against a construction bidder who fails to provide workers' compensation	P	Person injured	None
181.722, subd. 4	Misrepresentation of employment relationship by employer; construction workers	P	Plaintiff construction worker	Reasonable
325E.065	Action against a farm equipment manufacturer for violating trade practices law	P	Farm equipment dealer	Reasonable
325E.0684	Action against a manufacturer for damages from violations of trade practice law	P	Equipment dealer	Reasonable
325E.1251, subd. 2	Violation of battery requirements by a manufacturer	P	State	Reasonable
325F.18, subd. 4	Action against a manufacturer or builder for using building materials with formaldehyde gases	P	Consumer	Reasonable
325F.24, subd. 3	Action against a manufacturer for violating formaldehyde gases provision	P	Attorney general	Reasonable
337.10	Civil action by a subcontractor to collect interest from a prime contractor	M	Prevailing party	None
471.425, subd. 4a	Subcontractor seeking interest from a prime contractor of a municipality	M	Subcontractor	None
473.142	Subcontractor action for interest penalties against a prime contractor of a municipality	M	Subcontractor	None
574.26(2)	Action to enforce claims under the Public Contractors Performance and Payment Bond Act	P	Successful plaintiff	Reasonable
604.04, subd. 3	Against a claimant, attorney, or person in the chain of manufacturing and distribution who violates the products liability notice provision	P	Injured person	Reasonable

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Miscellaneous Civil Actions</b>				
81A.16, subd. 1	Violation of Uniform Athlete Agents Act by athlete agent or former student athlete	P	Educational institution	Reasonable
192.30	Action against a state military officer	P	State	Reasonable
325E.55	Action to recover damages for music royalty violations	P	Injured person	Reasonable
325F.46, subd. 1	Action against a person who produced imitation American Indian-made goods without required labeling	P	Injured person	Reasonable
325F.755, subd. 7	Intentional violation of prize notices and solicitations law	M	Person suffering pecuniary loss	Reasonable
325F.791, subd. 8	Pet dealer regulation	M	Prevailing party	Reasonable and not exceeding \$500
325F.795, subd. 4	Action to recover damages for unauthorized possession of merchandise pallets	P	Any person injured	Reasonable
326.111, subd. 6	Action against a person who commits the unauthorized practice of architecture, engineering, or land surveying	P	Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design	None
327.742, subd. 2a	Smoking in nonsmoking hotel room	M	Innkeeper	Reasonable; not more than \$500
346.56, subd. 3	Action for releasing an animal used for scientific purposes	M	A person damaged by the release	Reasonable
363A.29(2)	Minnesota Human Rights Act "180 day" hearing	P	Charging party	Reasonable
363A.33(7)	Court action under the Minnesota Human Rights Act	P	Prevailing party; fee award not permitted if the award would be a hardship for the respondent	Reasonable
481.13	Enforcement of a lien for attorney fees	P	The attorney	None
500.215, subd. 4	Enforcement of right to display American flag on owner's property	M	Property owner	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
501B.43, subd. 1	Action against a trustee for intentional or grossly negligent breach	P	State	Reasonable
514.972, subd. 5	Action for denial of access to certain items in self-storage	M	Occupant of the storage unit	None
524.3-720	Expenses in estate litigation	M	Personal representative	Reasonable
545.05, subd. 12	Expedited review of financing statements	P	Prevailing party	None
548.04	Judgment in replevin	M	Prevailing plaintiff	Reasonable
549.211, subd. 4	Reimbursement for costs in a civil action	P	Party who acted in bad faith may be required to pay the other party	Reasonable
554.04, subd. 1; 554.045	Motion or action to oppose a suit that stifles free speech activity	M	Person seeking to preserve free speech rights	Reasonable
570.025, subd. 5	Motion for a prehearing attachment order	M	Respondent, if motion made in bad faith	Reasonable
571.72, subd. 7	Action against a creditor who used a misleading form	M	Debtor	Reasonable
588.11	Action for contempt	P	Party injured by the contempt	Reasonable
588.21	Action against a taxpayer for filing an incomplete and improper income tax return	P	State	Reasonable
604.113, subd. 2	Civil liability for issuance of a worthless check	M	Holder of the check, if issuer issued more than \$1,250 in dishonored checks within a six-month period	Reasonable
604.12, subd. 3	Action for damages for being excluded from a public accommodation because of riding a motorcycle or wearing organization insignia	P	Plaintiff	Reasonable, up to \$500
609.501, subd. 3	Disruption of funeral ceremony	P	Prevailing plaintiff (deceased person's family)	None

Statute Section	Type of Action	Mandatory (M) or Permissive (P)	Who Gets Fees	Limit on Fees
<b>Motor Vehicles/Transportation</b>				
53C.12	Civil action against a seller under the Motor Vehicle Retail Installment Sales Act	M	Buyer	Reasonable
80E.05	Action to require motor vehicle makers to indemnify franchised dealers in damage actions	M	Dealer	Reasonable
80E.17	Motor vehicle franchise law violation	P	Any person whose business or property is injured by a franchise law violation	Reasonable
80F.17	Motor vehicle fuel franchise violations	M	Prevailing party (dealer or supplier, depending on the marketing agreement)	None
218.031, subd. 7	Action against a common carrier if a claim is not paid or adjudicated within 90 days of its filing	M	Plaintiff	Reasonable
218.031, subd. 10	Action against a common carrier for an unlawful act	M	Injured party	Reasonable
219.10, subd. 2	Action to collect fines, costs, and disbursements resulting from a complaint by a road authority against a railroad	P	County attorney	\$100 for each prosecution
219.33	Negligence action against a railroad for failure to fence the road and erect crossings	P	Landowner of land abutting the railroad	Reasonable
219.761, subd. 1	Action against a railroad for refusing to reimburse a government agency or a nonprofit firefighting corporation after a fire	P	Local government or nonprofit firefighting corporation that extinguished fire	Reasonable
221.036, subd. 11	Action against a motor carrier failing to pay the assigned penalty for a violation	P	State	None
221.251, subd. 3	Action against a motor carrier for overcharging for freight or baggage	P	Prevailing claimant	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
221.271	Action for violation of motor carrier laws	M	Injured person	Reasonable
325E.16, subd. 3	Civil action concerning trade practices relating to odometers	M	Injured person	Reasonable
325E.167, subd. 2	Tampering with clock-hour meter on farm tractor	M	Injured person	Reasonable
325F.63, subd. 1	Action against motor vehicle repair services	M	Customer	Reasonable
325F.6643	Action for violating the new motor vehicle damage disclosure law	M	Injured person	Reasonable
325F.666, subd. 3	Action against a person who violated the motor vehicle contract reassignment law	P	Injured person	Reasonable
604.12, subd. 3	Action for damages for being excluded from a public accommodation because of riding a motorcycle or wearing organization insignia	P	Plaintiff	Reasonable, up to \$500
604.15	Stolen motor fuel	M	Retailer	Reasonable; not more than \$500
<b>Nonprofit/Charitable Organizations</b>				
64B.08, subd. 4	Indemnification for actions taken on behalf of fraternal benefit society	M	Officers and members	Reasonable
309.57, subd. 1	Charitable solicitation law enforcement	P	State	Reasonable
317A.434, subd. 3	Court-ordered meeting of a nonprofit corporation	P	Voting member of the nonprofit corporation	Reasonable
317A.439, subd. 3	Suit to compel a nonprofit corporation to allow a member with voting rights to inspect a full list of voting members prior to a meeting	P	Plaintiff	Reasonable
317A.461, subd. 7	Action by a director or member of nonprofit corporation wrongfully denied access to records	P	Wronged member or director	Reasonable

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317A.467	Action against a corporation, officer, or director if a nonprofit corporation violates the law	P	Member of the nonprofit corporation	Reasonable
317A.751, subd. 8	Equitable remedies against a nonprofit corporation	P	Any party, if another party did not act in good faith	Reasonable
<b>Public Safety and Crime-Related Civil Actions</b>				
3.7365	Defense of criminal charges against a state officer or state employee in the course of employment	P	State officer or employee	Reasonable
123B.02, subd. 20	Reimbursement by school board to independent school district employee for defense of criminal charges brought against employee relating to employment	P	District employee	Reasonable
152.0275, subd. 2(f)	Collection of clandestine drug lab cleanup costs from contractor	M	Property owner	Reasonable
152.0275, subd. 2(n)	Property seller's failure to disclose on-site methamphetamine production; collection of cleanup costs by buyer	M	Buyer/transferee	Reasonable
243.1605	Action under Interstate Compact for Adult Offender Supervision	M	Prevailing party	Reasonable
299A.80, subd. 6(c)	Payment of an administrative penalty relating to the Department of Public Safety	P	Attorney general	None
299A.80, subd. 7	Judicial action brought by the attorney general for civil penalties, injunctive relief, or an action to compel performance for willful violation relating to administrative penalties imposed by the Department of Public Safety	P	Prevailing party (state or defendant)	Reasonable

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
299K.10, subd. 7	Hazardous chemical emergency enforcement	P	Prevailing party	Reasonable
465.76	Defense of charges of a criminal nature against an official acting in official capacity on behalf of a home rule charter or statutory city	P	Official	Reasonable
563.02, subd. 4	Defense of a civil claim brought by an inmate	M	Defendant, if suit is dismissed under Rule 12 or Rule 56 of the Rules of Civil Procedure	Reasonable
604.15	Stolen motor fuel	M	Retailer	Reasonable; not more than \$500
604A.34	Civil actions resulting from an individual seeking assistance from or reporting unlawful conduct to law enforcement	M	Prevailing individual	Reasonable
609.215, subd. 6	Civil action against a person aiding a suicide	M	Plaintiff	Reasonable
609.501, subd. 3	Disruption of funeral ceremony	P	Prevailing plaintiff (deceased person's family)	None
609.53, subd. 4	Action by an injured person for violation of receiving stolen property law	P	Injured person	Reasonable
609.5318, subd. 4	Action ordering return of a seized vehicle used in a drive-by shooting	P	Person who filed demand	Reasonable
609.551, subd. 4	Action for rustling and livestock theft	P	Injured person	Reasonable
609.7495, subd. 4	Action for physical interference with safe access to health care	M	Prevailing party	None
609.911, subd. 4	Action for racketeering	M	Prosecuting authority	Reasonable
611A.08, subd. 4	Action by a perpetrator against a crime victim for injuries	P	Winning victim	Reasonable
611A.87	Action for being coerced into prostitution	P	Prevailing party	Reasonable
617.90, subd. 2	Graffiti damage	P	Property owner	None
617.96	Criminal gang nuisance activity	P	Prevailing party	Reasonable
624.714, subd. 8	Denial of petition by sheriff to revoke permit to carry	M	Permit holder	None

<b>Statute Section</b>	<b>Type of Action</b>	<b>Mandatory (M) or Permissive (P)</b>	<b>Who Gets Fees</b>	<b>Limit on Fees</b>
624.714, subd. 12(d)	Petition by permit holder to appeal revocation of permit	M	Prevailing permit holder	Reasonable
624.714, subd. 16(c)	Denial of petition by sheriff to revoke out-of-state permit to carry	M	Permit holder	Reasonable
626.04	Seized property	P	Seizing officer's agency	Reasonable
626.556, subd. 4	Civil action against a person who has immunity from prosecution for reporting child maltreatment	P	Person who made report	None
626.89, subd. 16	Violating Peace Officer Discipline Procedures Act	M	Officer	Reasonable
626A.391, subd. 1	Violation of privacy using trap and trace device and mobile tracking device	P	Injured party	Reasonable

*For more information about legal issues, visit the civil law and courts area of our web site, [www.house.mn/hrd/issinfo/civil.htm](http://www.house.mn/hrd/issinfo/civil.htm).*