

relief may be brought by an aggrieved employee, labor organization member, or licensee, or aggrieved prospective employee, member, or licensee, the county attorney, or the attorney general.

c. A person who in good faith brings an action under this subsection alleging that an employer, employment agency, labor organization, or licensing agency has ~~required or requested a genetic test in violation of~~ violated subsection 2, 2A, 3, 4, or 5 of this section shall establish that sufficient evidence exists upon which a reasonable person could find that a violation has occurred. Upon proof that sufficient evidence exists upon which a finding could be made that a violation has occurred as required under this paragraph, the employer, employment agency, labor organization, or licensing agency has the burden of proving that the requirements of this section were met.

Approved April 23, 2010

CHAPTER 1154

SHOOTING GAME BIRDS ON LICENSED HUNTING PRESERVES

S.F. 2216

AN ACT allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.21, Code Supplement 2009, is amended to read as follows:

481A.21 Birds as targets.

A person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. This section does not prevent any person from shooting at live pigeons, sparrows, and starlings when used in the training of hunting dogs. This section does not prevent any person from shooting at a game bird that is released a minimum of fifty twenty-five yards from that person on a licensed hunting preserve. For the purposes of this section, "game bird" means the same as defined in section 484B.1.

Approved April 23, 2010

CHAPTER 1155

MOTOR CARRIER TRANSPORTATION CONTRACTS — INDEMNITY PROVISIONS

S.F. 2220

AN ACT relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 325B.1 Contents of motor carrier transportation contracts — certain provisions void.

1. As used in this section:
 - a. “Motor carrier” means the same as defined in section 325A.1.
 - b. “Motor carrier transportation contract” means a contract, agreement, or understanding related to any of the following:
 - (1) The transportation for hire of property by a motor carrier.
 - (2) The entrance upon property by a motor carrier for the purpose of loading, unloading, or transporting property for transportation for hire.
 - (3) A service incidental to the activities described in subparagraph (1) or (2), including but not limited to the storage of property.
 - c. “Transportation for hire” means the same as defined in section 325A.1.
2. Notwithstanding any provision of law to the contrary, a motor carrier transportation contract, whether express or implied, shall not contain a provision, clause, covenant, or agreement that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee from or against any liability for injury, death, loss, or damage resulting from the negligence or intentional acts or omissions of that promisee, or any agents, employees, servants, or independent contractors who are directly responsible to that promisee. This prohibition applies to any provisions or agreements collateral to or affecting a motor carrier transportation contract. Any such provisions, clauses, covenants, or agreements are void and unenforceable. If any provision, clause, covenant, or agreement is deemed void and unenforceable under this section, the remaining provisions of the motor carrier transportation contract are severable and shall be enforceable unless otherwise prohibited by law.
3. This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of north America, as amended, or other contracts or agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.
4. This section applies to motor carrier transportation contracts entered into, extended, or renewed on or after July 1, 2010.

Approved April 23, 2010

CHAPTER 1156

MEDICAID — HOME AND COMMUNITY-BASED SERVICES WAIVER — HOME MODIFICATION

S.F. 2267

AN ACT relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. HOME MODIFICATION — REVIEW OF REQUIREMENTS. The department of human services, in consultation with the department on aging, area agencies on aging, and other organizations representing the interests of older Iowans, shall review the requirements for home modification under the medical assistance home and community-based services waiver for the elderly, including the lifetime cap, and shall present a plan to increase the lifetime limit to the general assembly by December 31, 2011.

Approved April 23, 2010