

FEB 17 2003
JUDICIARY

HOUSE FILE 210
BY MERTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 claims arising from bicycling or scootering on public
3 property.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 210

1 Section 1. Section 670.4, subsections 14 and 15, Code
2 2003, are amended to read as follows:

3 14. Any claim based upon or arising out of a claim of
4 negligent design or specification, negligent adoption of
5 design or specification, or negligent construction or
6 reconstruction of a public facility designed for purposes of
7 skateboarding, or in-line skating, bicycling, or scootering
8 that was constructed or reconstructed in accordance with a
9 generally recognized engineering or safety standard, criteria,
10 or design theory in existence at the time of the construction
11 or reconstruction.

12 15. Any claim based upon or arising out of an act or
13 omission of an officer or employee of the municipality or the
14 municipality's governing body by a person skateboarding, or
15 in-line skating, bicycling, or scootering on public property
16 when the person knew or reasonably should have known that the
17 skateboarding, or in-line skating, bicycling, or scootering
18 created a substantial risk of injury to the person and was
19 voluntarily in the place of risk. The exemption from
20 liability contained in this subsection shall only apply to
21 claims for injuries or damage resulting from the risks
22 inherent in the activities of skateboarding, or in-line
23 skating, bicycling, or scootering.

24 EXPLANATION

25 This bill provides an exemption from liability regarding a
26 municipality's negligent design, or negligent construction or
27 reconstruction of a public facility designed for purposes of
28 bicycling or scootering that was constructed or reconstructed
29 in accordance with generally recognized engineering or safety
30 standards.

31 The bill also provides an exemption from liability for
32 municipalities relating to claims based upon acts or omissions
33 of an officer or employee of the municipality by a person
34 engaged in bicycling or scootering when the person knew or
35 reasonably should have known that the bicycling or scootering

1 created a substantial risk of injury and the person was acting
2 voluntarily.

3 A municipality in Code chapter 670 is defined as a city,
4 county, township, school district, or other unit of local
5 government.

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