

February 18, 1959.
Calendar.

House File 417
COMMITTEE ON JUDICIARY 1.

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

A BILL FOR

An Act relating to the liability of negligent drivers of motor vehicles.

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

1 Section 1. Section three hundred twenty-one point
2 four hundred ninety-four (321.494), Code 1958, is hereby
3 amended by adding the following:
4 "However, the provisions of this section shall apply
5 with respect to any owner or operator only if such passenger
6 or person is a spouse, parent, brother, sister or lineal
7 descendant of such owner or operator; and this section
8 shall not relieve any owner or operator from any liability
9 to any other passenger or person. For the purposes of this
10 section, a relationship arising by adoption shall be
11 equivalent to a natural relationship."

EXPLANATION OF HOUSE FILE 417

This bill would restore the common-law liability of a negligent driver to passengers in his car who are injured as a result of the driver's negligence, unless the injured passengers are members of the driver's family. The bill would encourage careful driving and penalize careless driving.

This bill would modify the so-called "guest statute." This law now exempts a negligent driver from all liability to passengers in his car for injuries caused by the driver's negligence. Under the present law the driver is liable only if the injured passenger can prove the driver was reckless or intoxicated.

In two recent decisions interpreting the present law, the Iowa Supreme Court has held that (1) a small baby crippled in an automobile accident is a "guest passenger" and cannot recover damages from the negligent driver; and (2) a driver is not "reckless," and his injured passenger cannot recover damages, even though the driver was traveling at 85 miles per hour, at night, over a hilly gravel road.

The present law encourages careless drivers to disregard the safety of their passengers. It takes away from injured passengers the legal rights and remedies which they would otherwise have.

Adoption of this bill would put the injured passenger in the same position as any other victim of a motor vehicle accident, unless the passenger is a member of the driver's family. The injured passenger could recover damages from the driver if, and only if, the passenger could prove that (1) the driver was negligent, (2) the driver's negligence caused the accident, and (3) the passenger was not guilty of any negligence contributing to the accident.

This bill would restore fundamental legal rights and help reduce the slaughter on our highways.

