

January 30, 1963.

Passed on File.

Senate File 102

By HIGHWAYS COMMITTEE.

^{Last}
Passed Senate, Date 2-5-63

Passed House, Date.....

Vote: Ayes 9 Nays 34

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act to amend section three hundred twenty-one point four hundred seventy-five (321.475), Code 1962, relating to responsibility for damage to highways and highway structures.

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

- 1 Section 1. Section three hundred twenty-one point four
- 2 hundred seventy-five (321.475), Code 1962, is hereby amended
- 3 by inserting the following sentence after the period in line
- 4 twelve (12):
- 5 "The measure of damage referred to in this section shall
- 6 include the cost of repair or replacement of the damaged
- 7 highway or highway structure together with the initial cost
- 8 of construction of any temporary structure or detour highway
- 9 to serve traffic while repair or replacement of the damaged
- 10 structure or highway is under way."

EXPLANATION OF SENATE FILE 102

Under present law, when a bridge, for instance, is damaged by being struck by a vehicle in a vital spot, public authorities have been able to collect only the cost of actual repairs to or replacement of the structure. It is often necessary to construct a temporary by-pass bridge or to strengthen a nearby road to handle the traffic during the interim. It is the purpose of this bill to hold the person or persons responsible for the damage for these costs rather than that they be at public expense.

SENATE FILE 102

- 1 Amend Senate File 102 by striking all after the enacting
- 2 clause and inserting in lieu thereof the following:
- 3 "Section 1. Section three hundred twenty-one point four
- 4 hundred seventy-five (321.475), Code 1962, is amended by
- 5 striking from lines three (3), four (4) and five (5) the words
- 6 'or highway structure shall be liable for all damage which
- 7 said highway or structure' and inserting in lieu thereof the
- 8 following: 'shall be liable for all damage which said highway
- 9 or any structure on, under or above said highway'.
- 10 Further amend said section by inserting at the end of line
- 11 12 the following:
- 12 "The measure of damage referred to in this section shall
- 13 include the cost of repair or replacement of the damaged high-
- 14 way or highway structure together with the initial cost of
- 15 construction of any temporary structure including approaches,
- 16 to serve traffic during the time required for the repair or
- 17 replacement of the damaged structure or highway."

Filed - a duplicate 2-5
February 4, 1963.

By NOLAN.