

~~FILED~~ JAN 28 1988

SENATE FILE 2096  
BY CORNING

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to exemptions from tort liability for political  
2 subdivisions by adding an exemption for damages resulting from  
3 the use of certain recreational property, and providing for  
4 the applicability of the Act.

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

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SF 2096

1 Section 1. Section 613A.4, Code 1987, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 11. Any claim for damages resulting from  
4 the use of any property which is under the control of the  
5 municipality, by ownership, lease, or other agreement,  
6 including an agreement permitting use of the property for an  
7 activity sponsored by the municipality, and is intended or  
8 permitted to be used as a park, playground, or open space area  
9 for recreational purposes. However, this subsection does not  
10 apply to claims based upon gross negligence.

11 Sec. 2. This Act takes effect July 1 following its  
12 enactment and applies to all causes of action accruing on or  
13 after that date.

14 EXPLANATION

15 This bill provides that a city, county, township, school  
16 district, or other unit of local government, except a soil  
17 conservation district or water resource district, is immune  
18 from liability for damages resulting from the use of property  
19 under its control which is intended or permitted to be used as  
20 a park, playground, or open space area for recreational  
21 purposes. There would be no immunity in cases of gross  
22 negligence.

23 The bill applies to all causes of action accruing on or  
24 after July 1 following its enactment.

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