

CHAPTER 130
PUNITIVE DAMAGES AGAINST GOVERNMENTAL PERSONNEL
S.F. 370

AN ACT relating to awards for punitive damages against officers and employees of governmental subdivisions.

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

Section 1. Section 613A.8, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The governing body shall defend ~~any~~ of its officers and employees, whether elected or appointed and shall save harmless and indemnify ~~sueh~~ the officers and employees against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties. However, the duty to save harmless and indemnify ~~shall~~ does not apply to awards for punitive damages. The exception for punitive damages does not prohibit a governing body from purchasing insurance to protect its officers and employees from punitive damages. The duty to save harmless and indemnify ~~shall~~ does not apply and the municipality ~~shall be~~ is entitled to restitution by an officer or employee if, in an action commenced by the municipality against the officer or employee, it is determined that the conduct of the officer or employee upon which the tort claim or demand was based constituted a willful and wanton act or omission. Any independent or autonomous board or commission of a municipality having authority to disburse funds for a particular municipal function without approval of the governing body shall similarly defend, save harmless and indemnify its officers and employees against ~~sueh~~ tort claims or demands.

Sec. 2. Section 613A.12, Code 1983, is amended to read as follows:

613A.12 OFFICERS AND EMPLOYEES—PERSONAL LIABILITY. All officers and employees of municipalities are not personally liable for any claim which is exempted under section 613A.4, except a claim for punitive damages, and actions permitted under section 85.20. An officer or employee of a municipality is not liable for punitive damages as a result of acts in the performance of a law enforcement or emergency duty, unless actual malice or recklessness willful, wanton and reckless misconduct is proven.

Approved May 19, 1983