668.12A No liability for negligent hiring in actions involving commercial motor vehicles.

1. In any civil action involving the operation of a commercial motor vehicle requiring a commercial driver's license, there shall not be civil liability for damages for an employer's negligent hiring of an employee if all of the following apply:

a. The employer complies with subsection 2.

b. The employee's actions that caused the claimant damage are within the course and scope of the employee's employment.

2. On motion of an employer who is a defendant in a civil action involving the operation of a commercial motor vehicle requiring a commercial driver's license, a trial court shall dismiss from the civil action any claim of the employer's direct negligence in hiring the employee driver, if the employer stipulates that at the time of the event that caused the damages that are the subject of the civil action all of the following are true:

a. The person whose negligence is alleged to have caused the damages was the employer's employee.

b. The person whose negligence is alleged to have caused the damages was acting within the course and scope of employment with the employer.

3. If an employer makes the stipulations in subsection 2 with respect to an employee, and the employee's negligence is found to have caused or contributed to causing the damages, the employer's liability for negligent hiring shall be adjudged solely on the basis of respondeat superior.

4. As used in this section:

a. *"Commercial motor vehicle"* means as defined in section 321.1, subsection 11, paragraph *"f"*, subparagraphs (1), (2), and (4), and also includes a glider kit vehicle as defined in section 321.1, subsection 28A; a road tractor as defined in section 321.1, subsection 64A; a towing or recovery vehicle as defined in section 321.1, subsection 83A; and a truck tractor as defined in section 321.1, subsection 88.

b. *"Operation"* means actual physical control of a commercial motor vehicle upon a highway as defined in section 321.1.

2023 Acts, ch 84, §1