

668.15A Noneconomic damages — commercial motor vehicle owners or operators.

1. 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. “*Inflation*” means the annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for all urban consumers for the midwest region, all items, or its successor index.

c. “*Noneconomic damages*” means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages.

d. “*Operation*” means actual physical control of a commercial motor vehicle upon a highway as defined in [section 321.1](#).

2. The total amount recoverable per plaintiff against the owner or operator of a commercial motor vehicle for noneconomic damages for personal injury or death in a civil action involving the operation of a commercial motor vehicle requiring a commercial driver’s license, whether in tort or otherwise, is five million dollars. This limitation on damages applies regardless of the number of derivative claims or theories of liability in the civil action, subject to [subsection 3](#).

3. Upon motion by any plaintiff in a civil action against the owner or operator of a commercial motor vehicle requiring a commercial driver’s license and prior to entry of judgment by the trial court, the trial court shall not apply the limitation on damages set forth in [subsection 2](#) if the trial court finds, by a preponderance of the evidence, that the negligent act leading to the plaintiff’s claimed harm involved any of the following:

a. Operating a commercial motor vehicle with an alcohol concentration, as defined in [section 321J.1](#), of .04 or more.

b. Operating a commercial motor vehicle under the influence of a drug.

c. A refusal to submit to chemical testing required under [chapter 321J](#).

d. A felony involving the use of a motor vehicle.

e. The use of a commercial motor vehicle involving the manufacturing, distributing, or dispensing of a controlled substance as defined in [section 124.101](#); not including the lawful transport for hire of a controlled substance.

f. Knowingly operating a commercial motor vehicle without a proper license, or while the person’s commercial driver’s license is revoked, suspended, or canceled, or while the person is otherwise disqualified from operating a commercial motor vehicle.

g. Operating a commercial motor vehicle without the possession of a commercial driver’s license or commercial learner’s permit valid for the vehicle operated.

h. Operating a commercial motor vehicle involving an act or practice of human trafficking as defined in [section 710A.1](#).

i. Reckless driving, as described in [section 321.277](#).

j. Use of an electronic communication device while driving, as described in [section 321.276](#).

k. Speeding fifteen miles per hour or more over the legal speed limit.

l. Violating any state or local law or ordinance restricting or prohibiting the use of a mobile telephone, computer, tablet, or other device that is not a part of the vehicle while operating the vehicle.

4. a. The limitation on damages set forth in [subsection 2](#) does not apply to any case involving operation of a vehicle that does not require a commercial driver’s license.

b. The limitation on damages set forth in [subsection 2](#) does not apply to a civil action involving the operation of a commercial motor vehicle serving as a common carrier of passengers, or a commercial motor vehicle that is primarily engaged in transporting passengers, or a commercial motor vehicle as defined in [section 321.1, subsection 11](#), paragraph “*f*”, subparagraph (3); commercial vehicle as defined in [section 321.1, subsection](#)

12, paragraph “c”; school bus as defined in [section 321.1, subsection 69](#); or other passenger transport.

5. The limitation on damages set forth in [subsection 2](#) shall be adjusted for inflation by the secretary of state on January 1, 2028, and on January 1 of each even-numbered year thereafter. The secretary of state shall certify and publish the adjusted limitation on damages within fourteen days after the appropriate information is available.

[2023 Acts, ch 84, §2](#)