

House File 201

H-1163

1 Amend House File 201 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **668.12A Liability for employee**
5 **negligence in actions involving commercial motor vehicles.**

6 1. Subject to subsection 4, in a civil action involving the
7 operation of a commercial motor vehicle, if an employer who
8 is a defendant in the action complies with subsection 2, the
9 employer's liability for damages caused by the negligence of an
10 employee operating a commercial motor vehicle within the course
11 and scope of employment shall be based solely on respondeat
12 superior and not on the employer's direct negligence in hiring,
13 training, supervising, or trusting the employee.

14 2. On motion of an employer who is a defendant in a civil
15 action involving the operation of a commercial motor vehicle,
16 a trial court shall dismiss from the civil action any claim
17 of the employer's direct negligence in hiring, training,
18 supervising, or trusting the employee, or other claim of direct
19 negligence on the part of the employer for the employee's
20 harmful conduct, or other similar claims, if the employer
21 stipulates that at the time of the event that caused the
22 damages that are the subject of the civil action that the
23 person whose negligence is alleged to have caused the damages
24 was the employer's employee and was acting within the course
25 and scope of employment with the employer.

26 3. If an employer makes the stipulations in subsection 2
27 with respect to an employee, and the employee's negligence is
28 found to have caused or contributed to causing the damages,
29 the employer shall be adjudged liable solely on the basis of
30 respondeat superior for all the resulting damages.

31 4. This section does not apply if the civil action involving
32 a commercial motor vehicle arises from an incident for which an
33 employee is convicted under section 321J.2 or found to be in
34 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

35 5. As used in this section:

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(amending this HF 201 to CONFORM to SF 228)

1 *a. "Commercial motor vehicle"* means as defined in section
2 321.1, subsection 11, paragraph "f", and also includes a
3 business-trade truck as defined in section 321.1, subsection
4 7A; a combination of vehicles as defined in section 321.1,
5 subsection 9; a commercial vehicle as defined in section
6 321.1, subsection 12, and section 326.2; a crane as defined in
7 section 321.1, subsection 15A; a farm tractor as defined in
8 section 321.1, subsection 24; a fence-line feeder as defined
9 in section 321.1, subsection 24A; an implement of husbandry
10 as defined in section 321.1, subsection 32; a light delivery
11 truck, panel delivery truck, or pickup as defined in section
12 321.1, subsection 35; a motor truck as defined in section
13 321.1, subsection 41; an off-road utility vehicle as defined
14 in section 321.1, subsection 47A; a road tractor as defined
15 in section 321.1, subsection 64A; a special mobile equipment
16 as defined in section 321.1, subsection 74; a special truck
17 as defined in section 321.1, subsection 75; a tank wagon as
18 defined in section 321.1, subsection 80A; a towing or recovery
19 vehicle as defined in section 321.1, subsection 83A; a tracked
20 implement of husbandry as defined in section 321.1, subsection
21 83B; a transporter as defined in section 321.1, subsection 87;
22 a truck tractor as defined in section 321.1, subsection 88;
23 and a utility maintenance vehicle as defined in section 321.1,
24 subsection 89A.

25 *b. "Convicted"* means convicted of an indictable offense and
26 includes a guilty plea or other finding of guilt by a court of
27 competent jurisdiction.

28 *c. "Operation" or "operating"* means actual physical control
29 of a commercial motor vehicle upon a highway as defined in
30 section 321.1.

31 Sec. 2. NEW SECTION. 668.15A Noneconomic damages —
32 commercial motor vehicle owners or operators.

33 1. As used in this section:

34 *a. "Commercial motor vehicle"* means as defined in section
35 321.1.

1 *b.* “*Convicted*” means convicted of an indictable offense and
2 includes a guilty plea or other finding of guilt by a court of
3 competent jurisdiction.

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

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

12 *e.* “*Operation*” means actual physical control of a commercial
13 motor vehicle upon a highway as defined in section 321.1.

14 2. The total amount recoverable by each plaintiff in any
15 civil action involving the operation of a commercial motor
16 vehicle for noneconomic damages for personal injury or death,
17 whether in tort, contract, or otherwise, against the owner or
18 operator of a commercial motor vehicle shall be limited to two
19 million dollars, regardless of the number of claims, theories
20 of liability, or defendants in the civil action.

21 3. *a.* The limitation on damages set forth in subsection 2
22 shall be adjusted for inflation by the secretary of state on
23 January 1, 2026, and on January 1 of each even-numbered year
24 thereafter.

25 *b.* The secretary of state shall certify and publish the
26 adjusted limitation on damages within fourteen days after the
27 appropriate information is available.

28 4. This section does not apply if the civil action involving
29 a commercial motor vehicle arises from an incident for which an
30 employee is convicted under section 321J.2 or found to be in
31 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

32 Sec. 3. Section 668A.1, subsection 2, paragraphs a and
33 b, Code 2023, as amended by 2023 Iowa Acts, House File 161,
34 section 4, is amended to read as follows:

35 *a.* If the answer or finding pursuant to [subsection 1](#),

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(amending this HF 201 to CONFORM to SF 228)

1 paragraph "b", is affirmative, or if the claim is against any
2 physician and surgeon, osteopathic physician and surgeon,
3 dentist, podiatric physician, optometrist, pharmacist,
4 chiropractor, physician assistant, or nurse, licensed under
5 chapter 147, or a hospital licensed under chapter 135B, arising
6 out of patient care, or if the claim is part of a civil action
7 involving the operation of a commercial motor vehicle, then the
8 full amount of the punitive or exemplary damages awarded shall
9 be paid to the claimant.

10 b. If the answer or finding pursuant to [subsection 1](#),
11 paragraph "b", is negative, and if the claim is not against
12 any physician and surgeon, osteopathic physician and surgeon,
13 dentist, podiatric physician, optometrist, pharmacist,
14 chiropractor, physician assistant, or nurse, licensed under
15 chapter 147, or a hospital licensed under chapter 135B,
16 arising out of patient care, and if the claim is not part of
17 a civil action involving the operation of a commercial motor
18 vehicle, then after payment of all applicable costs and fees,
19 an amount not to exceed twenty-five percent of the punitive or
20 exemplary damages awarded may be ordered paid to the claimant,
21 with the remainder of the award to be ordered paid into a
22 civil reparations trust fund administered by the state court
23 administrator. Funds placed in the civil reparations trust
24 shall be under the control and supervision of the executive
25 council, and shall be disbursed only for purposes of indigent
26 civil litigation programs or insurance assistance programs.>

27 2. Title page, by striking lines 1 through 4 and inserting
28 <An Act relating to tort liability, including employer
29 liability and damages in civil actions involving commercial
30 motor vehicles.>

GUSTOFF of Polk