

# House File 2397

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HOUSE FILE 2397

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1 2  
1 3 AN ACT  
1 4 RELATING TO THE ACT OR PROPERTY OF A PUBLIC UTILITY WITH  
1 5 RESPECT TO THE DEFINITION OF NUISANCE.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8  
1 9 Section 1. Section 657.1, Code 2003, is amended to read as  
1 10 follows:

1 11 657.1 NUISANCE == WHAT CONSTITUTES == ACTION TO ABATE.

1 12 1. Whatever is injurious to health, indecent, or  
1 13 unreasonably offensive to the senses, or an obstruction to the  
1 14 free use of property, so as essentially to ~~unreasonably~~  
1 15 interfere ~~unreasonably~~ with the comfortable enjoyment of life  
1 16 or property, is a nuisance, and a civil action by ordinary  
1 17 proceedings may be brought to enjoin and abate the ~~same~~  
1 18 nuisance and to recover damages sustained on account ~~thereof~~  
1 19 of the nuisance.

1 20 2. Notwithstanding subsection 1, in an action to abate a  
1 21 nuisance against an electric utility, an electric utility may  
1 22 assert a defense of comparative fault as set out in section  
1 23 668.3 if the electric utility demonstrates that in the course  
1 24 of providing electric services to its customers that it has  
1 25 complied with engineering and safety standards as adopted by  
1 26 the utilities board of the department of commerce, and if the  
1 27 electric utility has secured all permits and approvals, as  
1 28 required by state law and local ordinances, necessary to  
1 29 perform activities alleged to constitute a nuisance.

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1 33 \_\_\_\_\_  
1 34 CHRISTOPHER C. RANTS  
1 35 Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 2397, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor