

FILED JAN 26 1972

Ordinary 1/27, Pass w/o amend. 2/15/72

SENATE FILE 1057

By VAN DRIE
(Egenes)

Passed Senate, Date 3-7-72 Passed House, Date 3-23-72
Vote: Ayes 41 Nays 0 Vote: Ayes 67 Nays 15
Approved _____

A BILL FOR

1 An Act relating to exceptions to the time limits during

2 which certain civil actions must be brought.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section six hundred fourteen point six (614.6),
2 Code 1971, is amended to read as follows:

3 614.6 NONRESIDENCE. The time during which a defendant is
4 a nonresident of the state or whose identity is unknown after
5 diligent effort has been made to discover it shall not be
6 included in computing any of the periods of limitation above
7 described.

8 Sec. 2. The provisions of this Act shall be effective
9 January 1, 1970, and to this extent the provisions of this
10 Act are retroactive.

11 Sec. 3. This Act, being deemed of immediate importance,
12 shall take effect and be in force from and after its publica-
13 tion in The Story City Herald, a newspaper published in Story
14 City, Iowa, and in the Emmetsburg Reporter, a newspaper pub-
15 lished in Emmetsburg, Iowa.

16 EXPLANATION

17 This bill adds an exception to the statute of limitations
18 for defendants whose identities are unknown after diligent
19 inquiry and makes it retroactive to January 1, 1970. It
20 recognizes the fact that presently, if the identity of a
21 defendant is unknown, no suit may be brought during the time
22 period even if prosecution of the suit has been diligent.

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Senate

1 Amend Senate File 1057, page 2, line 4, by inserting after
2 the word "or" the following:
3 ", in the case of personal injuries resulting during the
4 commission of indictable misdemeanor or felony."

Filed February 15, 1972 W A 3/7 By COMMITTEE ON JUDICIARY

1 Amend the Committee on Judiciary amendment filed February
2 15, 1972 to Senate File 1057, line 3 by inserting after the
3 word "injuries" the words "or death".

Filed February 18, 1972 By DE KOSTER

1 Amend Senate File 1057, page 2, by striking all of lines
2 1 through 7 and inserting in lieu thereof:
3 "Section 1. Section six hundred fourteen point six (614.6)
4 Code, 1971, is amended by striking the section and inserting
5 in lieu thereof the following:
6 The period of limitation above described shall be computed
7 omitting any time when:
8 a. The defendant is a non-resident of the state, or
9 b. In those cases involving personal injuries or death
10 resulting from a felony or non-indictable misdemeanor, while
11 the identity of the defendant is unknown after diligent effort
12 has been made to discover it."

Filed February 22, 1972 By DE KOSTER and RILEY
Adopted as amended 3/7

1 Amend the DeKoster-Riley amendment filed February 22,
2 1972 to Senate File 1057, line 10, by striking
3 "non-".

Filed and adopted March 7, 1972 By KENNEDY