

See Judiciary 5/8, Pass 5/23 per 2926

House File 816
Judiciary
Miller of Des Moines,
Chairman
Kelly
Carr

1975

HOUSE FILE 816

Place On Calendar

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Passed House, Date 5-5-75 (1526) Passed Senate, Date 6-12-75 (1769)

Vote: Ayes 82 Nays 4 Vote: Ayes 46 Nays 0

Approved 7-19-75

*Repassed House per Senate amendment
6-13-75 (2462)*

79-0

A BILL FOR

1 An Act relating to tort liability due to acts or omissions
2 of directors, officers, employees, and members of non-
3 profit corporations.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Section 1. Section five hundred four A point one hundred one (504A.101), Code 1975, is amended to read as follows:

504A.101 PERSONAL LIABILITY. Except as otherwise provided in this chapter, the directors, officers, employees and members of the corporation shall not, as such, be liable on its debts or obligations and no director, officer, member or noncompensated volunteer person shall be personally liable for any claim based upon an act or omission of such person performed in the reasonable discharge of his lawful corporate duties.

EXPLANATION

This bill exempts from personal liability all directors, officers, employees, and members of nonprofit corporations when an act or omission on their part, in the reasonable discharge of lawful corporate duties, results in injury to another.

S-3926

- 1 Amend House File 816 as follows:
2 1. Page 1, line 6, by striking the word "no".
3 2. Page 1, line 6, by striking the words "director,
4 officer, member" and by inserting in lieu thereof the
5 words "directors, officers, members".
6 3. Page 1, line 7, by striking the word "non-
7 compensated" and by inserting in lieu thereof the
8 word "other".
9 4. Page 1, line 7, by striking the words
10 "volunteer person" and by inserting in lieu thereof
11 the word "volunteers".
12 5. Page 1, line 7, by inserting the word "not"
13 after the word "shall".

S-3926 FILED - *Adopted 6/10 (1856)*
MAY 23, 1975

BY GENE W. GLENN, CHAIRMAN
COMMITTEE ON JUDICIARY

S-3987

- 1 Amend House File 816 as amended and passed by the
2 House as follows:
3 1. Page 1, after line 10 by inserting the
4 following:
5 "Sec. 2. Section five hundred four point five
6 (504.5), Code 1975, is amended by adding the following
7 new paragraph:
8 NEW PARAGRAPH. No director, officer, member or
9 noncompensated volunteer person shall be personally
10 liable for any claim based upon an act or omission
11 of such person performed in the reasonable discharge
12 of their lawful corporate duties."

S-3987 FILED - *Withdrawn 6/12 (1968)* BY CHARLES MILLER
MAY 29, 1975

S-4140

- 1 Amend House File 816 as amended and passed by the
2 House as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. ____ . Section five hundred four point five
6 (504.5), Code 1975, is amended by adding the following
7 new paragraph:
8 NEW PARAGRAPH. Directors, officers, members or
9 other volunteers shall not be personally liable for
10 any claim based upon an act or omission of such persons
11 performed in the reasonable discharge of their lawful
12 corporate duties."
13 2. Title page, line 3, by inserting after the
14 word "corporations" the words "and corporations not
15 for pecuniary profit".
16 3. By renumbering the sections to accord with
17 this amendment.

S-4140 FILED - *Adopted 6/12 (1968)* BY PHILIP B. HILL
JUNE 11, 1975

CHARLES D. MILLER

Charles D. Miller

Senate Amendment to House File 816

H-4233

- 1 Amend House File 816 as follows:
- 2 1. Page 1, line 6, by striking the word "no".
- 3 2. Page 1, line 6, by striking the words "Director,
- 4 officer, member" and by inserting in lieu thereof the
- 5 words "directors, officers, members".
- 6 3. Page 1, line 7, by striking the word "non-
- 7 compensated" and by inserting in lieu thereof the
- 8 word "other".
- 9 4. Page 1, line 7, by striking the words
- 10 "volunteer person" and by inserting in lieu thereof
- 11 the word "volunteers".
- 12 5. Page 1, line 7, by inserting the word "not"
- 13 after the word "shall".
- 14 6. Page 1, by inserting after line 10 the
- 15 following:
- 16 "Sec. ____ . Section five hundred four point five
- 17 (504.5), Code 1975, is amended by adding the following
- 18 new paragraph:
- 19 NEW PARAGRAPH. Directors, officers, members or
- 20 other volunteers shall not be personally liable for
- 21 any claim based upon an act or omission of such persons
- 22 performed in the reasonable discharge of their lawful
- 23 corporate duties."
- 24 7. Title page, line 3, by inserting after the
- 25 word "corporations" the words "and corporations not
- 26 for pecuniary profit".
- 27 8. By renumbering the sections to accord with
- 28 this amendment.

H-4233 FILED, RECEIVED FROM THE SENATE
JUNE 12, 1975

House concurred 6/13 (463)

H-3743

- 1 Amend House File 816, page 1, line 9, by
- 2 striking the word "his" and inserting in lieu
- 3 thereof the word "their".

H-3743 FILED, ADOPTED BY OAKLEY of Clinton
BY UNANIMOUS CONSENT (1526)
MAY 5, 1975

AN ACT

RELATING TO TORT LIABILITY DUE TO ACTS OR OMISSIONS OF DIRECTORS, OFFICERS, EMPLOYEES, AND MEMBERS OF NONPROFIT CORPORATIONS AND CORPORATIONS NOT FOR PECUNIARY PROFIT.

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

Section 1. Section five hundred four A point one hundred one (504A.101), Code 1975, is amended to read as follows:

504A.101 PERSONAL LIABILITY. Except as otherwise provided in this chapter, the directors, officers, employees and members of the corporation shall not, as such, be liable on its debts or obligations and directors, officers, members or other volunteers shall not be personally liable for any claim based upon an act or omission of such person performed in the reasonable discharge of their lawful corporate duties.

Sec. 2. Section five hundred four point five (504.5), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. Directors, officers, members or other volunteers shall not be personally liable for any claim based upon an act or omission of such persons performed in the reasonable discharge of their lawful corporate duties.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 816, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/19, 1975

ROBERT D. RAY
Governor