

FEB 17 1995

JUDICIARY

HOUSE FILE 182

BY RENKEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to products liability actions.  
 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 182

1 Section 1. NEW SECTION. 611.24 PRODUCTS LIABILITY ACTION  
2 DEFINED.

3 As used in title XV, "products liability action" means an  
4 action or claim for damages against any person for or on  
5 account of personal injury, death, or property damage caused  
6 by or resulting from the design, formulation, preparation,  
7 manufacture, processing, construction, assembly, testing,  
8 packaging, labeling, advertising, marketing, distribution, or  
9 installation of a product, and the issuance of warnings,  
10 instructions, and directions respecting the use of a product.  
11 The term includes, but is not limited to, actions based upon  
12 the theories of negligence, strict liability, express  
13 warranty, and implied warranty.

14 Sec. 2. Section 613.18, subsection 3, Code 1995, is  
15 amended by striking the subsection.

16 Sec. 3. Section 614.1, subsection 2, Code 1995, is amended  
17 to read as follows:

18 2. INJURIES TO PERSON OR REPUTATION -- RELATIVE RIGHTS --  
19 STATUTE PENALTY. Those founded on injuries to the person or  
20 reputation, including injuries to relative rights, whether  
21 based on contract or tort, or for a statute penalty, within  
22 two years. However, a products liability action as defined in  
23 section 611.24 based upon a theory of strict liability in tort  
24 or breach of an implied warranty shall not be brought more  
25 than five years after the product was first delivered for use  
26 or consumption.

27 Sec. 4. NEW SECTION. 622.37 PRODUCTS LIABILITY --  
28 EVIDENCE OF SUBSEQUENT CHANGES.

29 In a products liability action as defined in section 611.24  
30 the following are not admissible as evidence, except for the  
31 limited purpose of the impeachment of a witness:

32 1. Evidence of advancements or changes in technical  
33 knowledge or techniques, in design theory or philosophy, in  
34 labeling, or instructions for use, or in manufacturing or  
35 testing techniques or processes which have been made, learned,

1 or placed into use subsequent to the time of the design,  
2 manufacturing, and testing of the product in issue.

3 2. Evidence of a change made in the design or methods of  
4 manufacturing, testing, labeling, or instructing for use of a  
5 product in issue or any similar product subsequent to the time  
6 the product in issue was designed, manufactured, and tested.

7 EXPLANATION

8 This bill defines "products liability action" for the  
9 purpose of statutes of limitation and the rules of evidence.  
10 The bill establishes a five-year period from the date a  
11 product was first delivered for use or consumption in which a  
12 lawsuit alleging injury or damage from the product must be  
13 filed. The bill also strikes a provision regarding tolling  
14 the statute of limitations if the manufacturer of a product is  
15 not identifiable. The bill also provides that certain  
16 evidence regarding changes in the product or similar products,  
17 methods of testing, manufacturing, or labeling the product is  
18 only admissible in a products liability action for the purpose  
19 of impeaching the testimony of a witness.

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