

MAR 2 1995
JUDICIARY

HOUSE FILE 250
BY GRUBBS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to consortium claims under comparable fault.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 250

1 Section 1. Section 668.3, subsection 1, Code 1995, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. Contributory fault shall not bar
4 recovery in an action by a claimant to recover damages for
5 loss of services, companionship, society, or consortium, un-
6 less the fault attributable to the person whose injury or
7 death provided the basis for the damages is greater in per-
8 centage than the combined percentage of fault attributable to
9 the defendants, third-party defendants, and persons who have
10 been released pursuant to section 668.7, but any damages
11 allowed shall be diminished in proportion to the amount of
12 fault attributable to the person whose injury or death pro-
13 vided the basis for the damages.

14 Sec. 2. Section 668.3, subsection 2, paragraph b, Code
15 1995, is amended to read as follows:

16 b. The percentage of the total fault allocated to each
17 claimant, defendant, third-party defendant, ~~and~~ person who has
18 been released from liability under section 668.7, and injured
19 or deceased person whose injury or death provides a basis for
20 a claim to recover damages for loss of consortium, services,
21 companionship, or society. For this purpose the court may
22 determine that two or more persons are to be treated as a
23 single party.

24 EXPLANATION

25 This bill provides that the percentage of fault assigned to
26 the person whose death or injury gave rise to a consortium
27 claim shall apply to reduce or bar a judgment for loss of
28 consortium. The bill overrules Schwennen v. Abell, 430 N.W.2d
29 98 (Iowa 1988).

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