

JAN 17 1995
LOCAL GOVERNMENT

HOUSE FILE 46
BY DAGGETT

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

A BILL FOR

1 An Act providing for the right of access to cemeteries.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 46

1 Section 1. NEW SECTION. 566.13A RIGHT OF ACCESS.

2 If a permanent easement has been granted in an instrument
3 affecting real estate as defined in section 558.1, which
4 allows public access to a cemetery, the public shall have the
5 right to use the easement in perpetuity to visit the cemetery
6 to the extent provided by the grantor, regardless of whether
7 the instrument affecting the real estate has been recorded.

8 A titleholder of land burdened by an easement may place
9 reasonable conditions upon the use of the easement by persons
10 visiting the cemetery. If the easement is unavailable for
11 use, or has been acquired by adverse possession, the
12 titleholder shall honor a reasonable request by any person to
13 visit the cemetery by the most convenient route possible. A
14 person using the easement or other access approved by the
15 titleholder shall not damage the property of the titleholder,
16 including crops or livestock on land used for agricultural
17 production. A titleholder of the subject land shall not be
18 liable for any claim, counterclaim, cross-claim, complaint, or
19 cause of action recognized by the Iowa rules of civil
20 procedure and brought in court on account of damage to or loss
21 of property or on account of personal injury or death arising
22 out of the person's visit to a cemetery, unless caused by the
23 intentional action of the titleholder.

24 EXPLANATION

25 This bill provides that if a permanent easement has been
26 granted in an instrument affecting real estate which allows
27 public access to a cemetery, the public has the right to use
28 the easement in perpetuity to visit the cemetery to the extent
29 provided by the grantor, regardless of whether the instrument
30 affecting the real estate has been recorded. The titleholder
31 of the land may place reasonable conditions upon the use of
32 the easement. If the easement no longer is available, the
33 titleholder must honor a reasonable request by a person to
34 visit the cemetery. A person using the easement or other
35 access is prohibited from damaging the property of the

1 titleholder. A titleholder is not liable for injuries
2 suffered by a person using the easement, unless the injuries
3 were caused by the intentional action of the titleholder.

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