

House Study Bill 227

Conference Committee Text

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1 1 Section 1. Section [321.493](#), Code 1995, is amended to read
1 2 as follows:

1 3 321.493 LIABILITY FOR DAMAGES.

1 4 1. In all cases where damage is done by any motor vehicle
1 5 by reason of negligence of the driver, and driven with the
1 6 consent of the owner, the owner of the motor vehicle shall be
1 7 liable for such damage. However, the owner of a motor vehicle
1 8 shall not be liable under this subsection if the injured
1 9 person is precluded from recovering against the driver or the
1 10 owner under section 85.20.

1 11 2. A person who has made a bona fide sale or transfer of
1 12 the person's right, title, or interest in or to a motor
1 13 vehicle and who has delivered possession of

~~such~~

~~the motor~~

1 14 vehicle to the purchaser or transferee shall not be liable for
1 15 any damage thereafter resulting from negligent operation of
1 16

~~such~~

~~the motor vehicle by another, but the purchaser or~~

1 17 transferee to whom possession was delivered shall be deemed
1 18 the owner. The provisions of subsection 2 of section 321.45
1 19 shall not apply in determining, for the purpose of fixing
1 20 liability

~~hereunder~~

~~under this subsection, whether such sale~~

1 21 or transfer was made.

1 22

EXPLANATION

1 23 Section 321.493 currently provides that where damage is
1 24 done by any motor vehicle due to the negligence of the driver
1 25 and the motor vehicle was driven with the consent of the
1 26 owner, the owner of the motor vehicle is liable for the
1 27 resulting damage. This bill provides that the owner of the
1 28 motor vehicle is not liable if the injured person is precluded
1 29 from recovering against the driver or the owner under section
1 30 85.20. Section 85.20 provides that the rights and remedies of
1 31 an employee who receives workers' compensation, occupational
1 32 disease compensation, or occupational hearing loss benefits
1 33 under chapters 85, 85A, and 85B are the exclusive rights and
1 34 remedies of the employee against the employee's employer or
1 35 any other employee provided that the injury arose out of and
2 1 occurred in the course of the employment and was not caused by
2 2 the other employee's gross negligence amounting to such lack
2 3 of care as to constitute wanton neglect for the safety of
2 4 another.

2 5 LSB 1726HC 76

2 6 js/cf/24