

1/12/97 Referred to Commerce & Regulation

JAN 12 1992
JUDICIARY

HOUSE FILE 2003
BY BRADLEY

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

A BILL FOR

1 An Act relating to limitations on recoverable noneconomic damages
2 in legal actions arising out of motor vehicle accidents.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2003

1 Section 1. NEW SECTION. 613.20 LIMITATION ON LIABILITY
2 OF MOTOR VEHICLE OPERATORS.

3 1. Except as provided in subsection 3, in an action to
4 recover damages arising out of the operation or use of a motor
5 vehicle, a person shall not recover noneconomic losses
6 including, but not limited to, pain and suffering if any of
7 the following circumstances apply:

8 a. The injured person was operating a motor vehicle
9 involved in the accident, was in violation of any provision of
10 chapter 321J at the time of the accident, and was convicted of
11 that offense.

12 b. The injured person was the owner of an uninsured or
13 underinsured motor vehicle involved in the accident and is
14 unable to produce proof of financial responsibility, in effect
15 at the time of the accident, as required by section 321.20B
16 and chapter 321A.

17 c. The injured person was the operator of a motor vehicle
18 involved in the accident and was operating the motor vehicle
19 with an operator's license which was canceled, suspended, or
20 revoked at the time of the accident.

21 d. The injured person was the operator of a motor vehicle,
22 a passenger in a motor vehicle, or a pedestrian and the
23 person's injuries were proximately caused by the person's
24 commission of any felony, or immediate flight therefrom, and
25 the injured person was duly convicted of that felony.

26 2. Except as provided in subsection 3, an insurer shall
27 not be liable directly or indirectly under a policy of motor
28 vehicle liability insurance or uninsured or underinsured
29 motorist insurance to indemnify for the noneconomic losses of
30 any person injured as described in subsection 1.

31 3. If a person described in subsection 1, paragraph "b" or
32 "c", was injured by a motorist who at the time of the accident
33 was operating a motor vehicle in violation of any provision of
34 chapter 321J and was convicted of that offense, the injured
35 person shall not be precluded from recovering noneconomic

1 losses including, but not limited to, pain and suffering.
 2 4. If a person injured in a motor vehicle accident has
 3 been formally charged with the violation of a felony, a
 4 provision of chapter 321J, or operating a motor vehicle while
 5 the operator's license is canceled, suspended, or revoked in
 6 connection with the accident, but a final determination of
 7 guilt has not been made, liability and uninsured and
 8 underinsured motorist insurers, to whom a claim for damages
 9 has been presented, shall advise the injured party that
 10 settlement of the claim will not be resolved until a final
 11 judgment is rendered on the charges. The injured party
 12 claiming damages shall provide evidence of the outcome of any
 13 criminal charges.

14 EXPLANATION

15 This bill provides a person shall not recover noneconomic
 16 losses including, but not limited to, pain and suffering, in
 17 an action to recover damages arising out of the operation or
 18 use of a motor vehicle if any of the following circumstances
 19 apply:

20 1. The injured person was operating a motor vehicle
 21 involved in the accident, was in violation of chapter 321.01 at
 22 the time of the accident, and was convicted of that offense.

23 2. The injured person was the owner of an uninsured or
 24 underinsured motor vehicle involved in the accident and was
 25 unable to produce proof of financial responsibility.

26 3. The injured person was the operator of a motor vehicle
 27 involved in the accident and was operating the motor vehicle
 28 with an operator's license which was canceled, suspended, or
 29 revoked at the time of the accident.

30 4. The injured person was the operator of a motor vehicle,
 31 passenger in a motor vehicle, or a pedestrian and the injuries
 32 were caused by the person's commission of a felony.

33 The bill also provides that if the injured person was the
 34 owner of an uninsured or underinsured motor vehicle and unable
 35 to produce proof of financial responsibility or was operating

1 a motor vehicle involved in the accident with an operator's
2 license which was canceled, suspended, or revoked, and was
3 injured by a motorist who was in violation of any provision of
4 chapter 321J at the time of the accident, then the injured
5 person shall not be precluded from recovering noneconomic
6 losses.

7 The bill provides that if a person injured in a motor
8 vehicle accident has been formally charged with a violation of
9 a felony, any provision of Code chapter 321J, or operating a
10 motor vehicle with an operator's license which is canceled,
11 suspended, or revoked in connection with the accident, motor
12 vehicle liability and uninsured and underinsured motorist
13 insurers shall advise the injured party that settlement of the
14 claim will be pending a judgment on the charges.

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