

3-6-97 Judiciary

FILED MAR 5 1997

SENATE FILE 312
BY MADDOX

(COMPANION TO LSB 2407HH
BY LARSON)

Passed Senate, Date _____ Passed House, 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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S.F. 312

1 Section 1. Section 668.3, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. a. Contributory fault shall not bar recovery in an
4 action by a claimant to recover damages for fault resulting in
5 death or in injury to person or property unless the claimant
6 bears a greater percentage of fault than the combined
7 percentage of fault attributed to the defendants, third-party
8 defendants and persons who have been released pursuant to
9 section 668.7, but any damages allowed shall be diminished in
10 proportion to the amount of fault attributable to the
11 claimant.

12 b. Contributory fault shall not bar recovery in an action
13 by a claimant to recover damages for loss of services,
14 companionship, society, or consortium, unless the fault
15 attributable to the person whose injury or death provided the
16 basis for the damages is greater in percentage than the
17 combined percentage of fault attributable to the defendants,
18 third party defendants, and persons who have been released
19 pursuant to section 668.7, but any damages allowed shall be
20 diminished in proportion to the amount of fault attributable
21 to the person whose injury or death provided the basis for the
22 damages.

23 Sec. 2. Section 668.3, subsection 2, paragraph b, Code
24 1997, is amended to read as follows:

25 b. The percentage of the total fault allocated to each
26 claimant, defendant, third-party defendant, and person who has
27 been released from liability under section 668.7, and injured
28 or deceased person whose injury or death provides a basis for
29 a claim to recover damages for loss of consortium, services,
30 companionship, or society. For this purpose the court may
31 determine that two or more persons are to be treated as a
32 single party.

23 EXPLANATION

34 This bill amends Code section 668.3 to provide that the
35 percentage of fault assigned to the person whose death or

1 injury gave rise to a consortium claim shall apply to reduce
2 or bar a judgment for loss of consortium.

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