

FEB 29 2000

Place On Calendar

S- 3/9/00 Judiciary  
S- 3/16/00 Do Pass

HOUSE FILE 2525  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2031)

Passed House, Date 3/8/00 Passed Senate, Date 3-21-00  
Vote: Ayes 90 Nays 0 Vote: Ayes 49 Nays 0  
*Approved April 6, 2000*  
*Passed 3/22/00*  
*Revote 98-0*

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 2525

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

3 1. Except as provided in subsection 2, 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 the  
7 injured person was the operator of a motor vehicle, a  
8 passenger in a motor vehicle, or a pedestrian and the person's  
9 injuries were proximately caused by the person's commission of  
10 any felony, or immediate flight therefrom, and the injured  
11 person was duly convicted of that felony.

12 2. This section does not apply if the injured person is  
13 found to have no fault in the accident.

14 3. If a person injured in a motor vehicle accident has  
15 been formally charged with a violation of a felony, but a  
16 final determination regarding guilt has not been made,  
17 liability and uninsured and underinsured motorist insurers, to  
18 whom a claim for damages has been presented, shall advise the  
19 injured party that settlement of the claim will not be  
20 resolved until a final judgment is rendered on the charges.  
21 The injured party claiming damages shall provide evidence of  
22 the outcome of any criminal charges.

23 EXPLANATION

24 This bill provides that a person shall not recover  
25 noneconomic losses including, but not limited to, pain and  
26 suffering, in an action to recover damages arising out of the  
27 operation or use of a motor vehicle if the injured person was  
28 the operator of a motor vehicle, passenger in a motor vehicle,  
29 or a pedestrian and the injuries were caused by the person's  
30 commission of a felony.

31 The bill provides that these provisions shall not apply if  
32 the injured person is found to have no fault in the accident.

33 The bill provides that if a person injured in a motor  
34 vehicle accident has been formally charged with a violation of  
35 a felony in connection with the accident, motor vehicle

1 liability and uninsured and underinsured motorist insurers  
2 shall advise the injured party that settlement of the claim  
3 will be pending a judgment on the charges.

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HOUSE FILE 2525

H-8139

- 1 Amend House File 2525 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "accident." the following: "This section does not
- 4 prohibit family members of the injured person from
- 5 recovering noneconomic losses."

By KREIMAN of Davis

H-8139 FILED MARCH 1, 2000

*Lost 3/8/00 (p. 638)*

HOUSE FILE 2525

S-5182

- 1 Amend House File 2525, as passed by the house, as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "a
- 4 violation of a felony", and inserting the following:
- 5 "the violation of the felony referred to in subsection
- 6 1".

By JEFF LAMBERTI

S-5182 FILED MARCH 21, 2000  
ADOPTED

*(p. 770)*

SENATE AMENDMENT TO HOUSE FILE 2525

H-8438

- 1 Amend House File 2525, as passed by the house, as
- 2 follows:
- 3 1. Page 1, line 15, by striking the words "a
- 4 violation of a felony", and inserting the following:
- 5 "the violation of the felony referred to in subsection
- 6 1".

RECEIVED FROM THE SENATE

H-8438 FILED MARCH 21, 2000

*House Concurred*  
*3/22/00*  
*(p. 904)*

judgment is rendered on the charges. The injured party claiming damages shall provide evidence of the outcome of any criminal charges.

HOUSE FILE 2525

AN ACT  
RELATING TO LIMITATIONS ON RECOVERABLE NONECONOMIC DAMAGES  
IN LEGAL ACTIONS ARISING OUT OF MOTOR VEHICLE ACCIDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 513.20 LIMITATION ON LIABILITY  
OF MOTOR VEHICLE OPERATORS.

1. Except as provided in subsection 2, in an action to recover damages arising out of the operation or use of a motor vehicle, a person shall not recover noneconomic losses including, but not limited to, pain and suffering if the injured person was the operator of a motor vehicle, a passenger in a motor vehicle, or a pedestrian and the person's injuries were proximately caused by the person's commission of any felony, or immediate flight therefrom, and the injured person was duly convicted of that felony.

2. This section does not apply if the injured person is found to have no fault in the accident.

3. If a person injured in a motor vehicle accident has been formally charged with the violation of the felony referred to in subsection 1, but a final determination regarding guilt has not been made, liability and uninsured and underinsured motorist insurers, to whom a claim for damages has been presented, shall advise the injured party that settlement of the claim will not be resolved until a final

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2525, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved *April 6*, 2000

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THOMAS J. VILSACK  
Governor