

FEB 5 2003
TRANSPORTATION

HOUSE FILE 122
BY HUSER

(COMPANION TO SF 62 BY LAMBERTI)

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

A BILL FOR

1 An Act creating a presumption of owner consent when the child of
2 an owner operates the owner's motor vehicle.

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

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HF 122

1 Section 1. Section 321.493, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. a. Subject to paragraph paragraphs "b" and "c", in all
4 cases where damage is done by any motor vehicle by reason of
5 negligence of the driver, and driven with the consent of the
6 owner, the owner of the motor vehicle shall be liable for such
7 damage. For purposes of this subsection, "owner" means the
8 person to whom the certificate of title for the vehicle has
9 been issued or assigned or to whom a manufacturer's or
10 importer's certificate of origin for the vehicle has been
11 delivered or assigned. However, if the vehicle is leased,
12 "owner" means the person to whom the vehicle is leased, not
13 the person to whom the certificate of title for the vehicle
14 has been issued or assigned or to whom the manufacturer's or
15 importer's certificate of origin for the vehicle has been
16 delivered or assigned. For purposes of this subsection,
17 "leased" means the transfer of the possession or right to
18 possession of a vehicle to a lessee for a valuable
19 consideration for a continuous period of twelve months or
20 more, pursuant to a written agreement.

21 b. A rebuttable presumption arises that a child of the
22 owner of a motor vehicle operates the owner's motor vehicle
23 with the owner's consent if the child is a named insured under
24 the owner's automobile insurance policy and a resident of the
25 owner's household. For purposes of this subsection, "child"
26 means a son, daughter, stepson, or stepdaughter, regardless of
27 age.

28 b. c. The owner of a vehicle with a gross vehicle weight
29 rating of seven thousand five hundred pounds or more, who
30 rents the vehicle for less than a year under an agreement
31 which requires an insurance policy covering at least the
32 minimum levels of financial responsibility prescribed by law,
33 shall not be deemed to be the owner of the vehicle for the
34 purpose of determining financial responsibility for the
35 operation of the vehicle or for the acts of the operator in

1 connection with the vehicle's operation.

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EXPLANATION

3 This bill creates a rebuttable presumption that a child who
4 is a named insured under an owner's automobile insurance
5 policy and a resident of the owner's household operates the
6 owner's motor vehicle with the owner's consent. The bill
7 defines the term "child".

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