

Withdrawn
3/24/03

MAR 4 2003
JUDICIARY

HOUSE FILE 416
BY DIX

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

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 river rafting, canoeing, and kayaking.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 416

1 Section 1. Section 670.4, subsections 14 and 15, Code
2 2003, are amended to read as follows:

3 14. Any claim based upon or arising out of a claim of
4 negligent design or specification, negligent adoption of
5 design or specification, or negligent construction or
6 reconstruction of a public facility designed for purposes of
7 skateboarding, or in-line skating, river rafting, canoeing, or
8 kayaking that was constructed or reconstructed in accordance
9 with a generally recognized engineering or safety standard,
10 criteria, or design theory in existence at the time of the
11 construction or reconstruction.

12 15. Any claim based upon or arising out of an act or
13 omission of an officer or employee of the municipality or the
14 municipality's governing body by a person skateboarding, or
15 in-line skating, river rafting, canoeing, or kayaking on
16 public property when the person knew or reasonably should have
17 known that the skateboarding, or in-line skating, river
18 rafting, canoeing, or kayaking created a substantial risk of
19 injury to the person and was voluntarily in the place of risk.
20 The exemption from liability contained in this subsection
21 shall only apply to claims for injuries or damage resulting
22 from the risks inherent in the activities of skateboarding, or
23 in-line skating, river rafting, canoeing, or kayaking.

24 EXPLANATION

25 This bill provides an exemption for liability regarding a
26 municipality's negligent design, or negligent construction or
27 reconstruction, of a public facility designed for purposes of
28 river rafting, canoeing, or kayaking that was constructed or
29 reconstructed in accordance with generally recognized
30 engineering or safety standards then in existence.

31 The bill provides an exemption from liability for
32 municipalities relating to claims based upon acts or omissions
33 of an officer or employee of the municipality by a person
34 engaged in river rafting, canoeing, or kayaking on public
35 property when the person knew or reasonably should have known

1 that the river rafting, canoeing, or kayaking created a
2 substantial risk of injury and the person was acting
3 voluntarily.

4 A municipality in Code chapter 670 is a city, county,
5 township, school district, or other unit of local government.

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