

MAR 14 2003
Place On Calendar

HOUSE FILE 580
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 26)

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

A BILL FOR

1 An Act eliminating the limitation on the reduction in damages
2 awarded to plaintiffs who fail to wear a safety belt or safety
3 harness.

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

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HOUSE FILE 580

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H-1140

1 Amend House File 580 as follows:

9 2 1. Page 1, by striking lines 7 through 11 and
10 3 inserting the following: "may reduce the amount of
11 4 plaintiff's recovery by an amount not to exceed five
12 5 percent of the damages awarded after any reductions
13 6 for comparative fault. In any case where the
14 7 plaintiff's recovery of damages is reduced due to
15 8 failure to wear a safety belt or safety harness, the
16 9 amount of damages reduced shall be paid to the
17 10 department for safety belt and safety harness
18 11 educational programs established under subsection 2."

12 2. Title page, line 1, by striking the word
13 "eliminating" and inserting the following: "relating
14 to".

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By HOGG of Linn

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H-1140 FILED MARCH 24, 2003

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HF 580

1 Section 1. Section 321.445, subsection 4, paragraph b,
2 subparagraph (2), Code 2003, is amended to read as follows:

3 (2) If the evidence supports such a finding, the trier of
4 fact may find that the plaintiff's failure to wear a safety
5 belt or safety harness in violation of this section
6 contributed to the plaintiff's claimed injury or injuries, and
7 may reduce the amount of plaintiff's recovery by an amount ~~not~~
8 to-exceed-five-percent-of-the-damages-awarded proportionate to
9 the degree to which the failure to wear a safety belt or
10 safety harness contributed to the plaintiff's claimed injury
11 or injuries, after any reductions for comparative fault.

12 EXPLANATION

13 This bill eliminates the limitation on the reduction in
14 damages awarded to plaintiffs who fail to wear a safety belt
15 or safety harness. Currently, Code section 321.445 provides
16 that the trier of fact may reduce the amount of a plaintiff's
17 recovery by an amount not to exceed 5 percent of the damages
18 awarded after any reductions for comparative fault if the
19 evidence supports a finding that the plaintiff's failure to
20 wear the belt or harness, in violation of that section,
21 contributed to the plaintiff's claimed injury or injuries.

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HOUSE FILE 580

24 **H-1143**

25 1 Amend House File 580 as follows:

26 2 1. Page 1, by striking lines 7 through 11, and
27 3 inserting the following: "may reduce the amount of
28 4 plaintiff's recovery by an amount not to exceed five
29 5 fifty percent of the damages awarded after any
30 6 reductions for comparative fault."

31 7 2. Title page, line 1, by striking the words
32 8 "eliminating the" and inserting the following:
33 9 "providing for a".

By PAULSEN of Linn

34 **H-1143 FILED MARCH 24, 2003**

Maddox, Ch
Eichhorn
Winckler

Succeeded by
SI 580

HSB 26

JUDICIARY

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON MADDOX)

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

A BILL FOR

1 An Act eliminating the limitation on the reduction in damages
2 awarded to plaintiffs who fail to wear a safety belt or safety
3 harness.

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

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2 subparagraph (2), Code 2003, is amended to read as follows:

3 (2) If the evidence supports such a finding, the trier of
4 fact may find that the plaintiff's failure to wear a safety
5 belt or safety harness in violation of this section
6 contributed to the plaintiff's claimed injury or injuries, and
7 may reduce the amount of plaintiff's recovery by an amount not
8 ~~to-exceed-five-percent-of-the-damages-awarded~~ proportionate to
9 the degree to which the failure to wear a safety belt or
10 safety harness contributed to the plaintiff's claimed injury
11 or injuries, after any reductions for comparative fault.

12 EXPLANATION

13 This bill eliminates the limitation on the reduction in
14 damages awarded to plaintiffs who fail to wear a safety belt
15 or safety harness. Currently, Code section 321.445 provides
16 that the trier of fact may reduce the amount of a plaintiff's
17 recovery by an amount not to exceed 5 percent of the damages
18 awarded after any reductions for comparative fault if the
19 evidence supports a finding that the plaintiff's failure to
20 wear the belt or harness, in violation of that section,
21 contributed to the plaintiff's claimed injury or injuries.

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