

MAR 14 2003
Place On Calendar

HOUSE FILE 584
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 416)

Passed House, Date Passed 3/24/03 ^{4/22/03} Passed Senate, Date Passed 4/15/03 ^{4/24/03}
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 5/30/03

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 certain activities.

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

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HOUSE FILE 584

H-1120

- 1 Amend House File 584 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "reconstructed" the following: "reasonably and in
- 4 good faith,".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "body" the following: "acting reasonably and in
- 7 good faith,".

By SWAIM of Davis

H-1120 FILED MARCH 20, 2003

Lost 3/24/03

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HF 584

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, bicycling, unicycling,
8 scootering, river rafting, canoeing, or kayaking that was
9 constructed or reconstructed in accordance with a generally
10 recognized engineering or safety standard, criteria, or design
11 theory in existence at the time of the construction or
12 reconstruction.

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

27 EXPLANATION

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

35 The bill provides an exemption from liability for

1 municipalities relating to claims based upon acts or omissions
2 of an officer or employee of the municipality by a person
3 engaged in bicycling, unicycling, scootering, river rafting,
4 canoeing, or kayaking on public property when the person knew
5 or reasonably should have known that the bicycling,
6 unicycling, scootering, river rafting, canoeing, or kayaking
7 created a substantial risk of injury and the person was acting
8 voluntarily.

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

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HOUSE FILE 584

S-3127

14 1 Amend House File 584, as passed by the House,
15 2 follows:

16 3 1. Page 1, by striking lines 9 through 12, and
17 4 inserting the following: "constructed or
18 5 reconstructed, reasonably and in good faith, in
19 6 accordance with a generally recognized engineering or
20 7 safety ~~standard, criteria, standards~~ or design ~~theory~~
21 8 theories in existence at the time of the construction
22 9 or reconstruction."

23 10 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY

DONALD B. REDFERN, CHAIRPERSON

24 **S-3127 FILED APRIL 2, 2003**
25 *4/1/03*

**SENATE AMENDMENT TO
HOUSE FILE 584**

H-1337

28 1 Amend House File 584, as passed by the House, as
29 2 follows:

30 3 1. Page 1, by striking lines 9 through 12, and
31 4 inserting the following: "constructed or
32 5 reconstructed, reasonably and in good faith, in
33 6 accordance with a generally recognized engineering or
34 7 safety ~~standard, criteria, standards~~ or design ~~theory~~
35 8 theories in existence at the time of the construction
9 or reconstruction."

10 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1337 FILED APRIL 15, 2003

House concurred 4/22/03

HOUSE FILE 584

H-1379

1 Amend the Senate amendment, H-1337, to House File
2 584, as passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 321G.23A RECREATIONAL
8 RIDING AREA -- LIMITATION OF LIABILITY OF PRIOR
9 LANDOWNERS.

10 Prior owners of land on which an all-terrain
11 vehicle recreational riding area is established,
12 maintained, or operated owe no duty of care to keep
13 the land safe for entry or use by persons operating an
14 all-terrain vehicle or to give any warning of a
15 dangerous condition, use, structure, or activity on
16 such premises that would make the land unsafe for all-
17 terrain vehicle usage.""

18 2. Title page, line 1, by striking the words
19 "municipal tort".

20 3. By renumbering as necessary.

By MILLER of Webster

H-1379 FILED APRIL 21, 2003

Adopted 4/22/03

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 584

S-3285

1 Amend the Senate amendment, H-1337, to House File
2 584, as passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "____. Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 321G.23A RECREATIONAL
8 RIDING AREA -- LIMITATION OF LIABILITY OF PRIOR
9 LANDOWNERS.

10 Prior owners of land on which an all-terrain
11 vehicle recreational riding area is established,
12 maintained, or operated owe no duty of care to keep
13 the land safe for entry or use by persons operating an
14 all-terrain vehicle or to give any warning of a
15 dangerous condition, use, structure, or activity on
16 such premises that would make the land unsafe for all-
17 terrain vehicle usage.""

18 2. Title page, line 1, by striking the words
19 "municipal tort".

20 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3285 FILED APRIL 23, 2003

Concurred 4/24/03

AN ACT

PROVIDING FOR EXCEPTIONS TO LIABILITY FOR CERTAIN ACTIVITIES.

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

Section 1. NEW SECTION. 321G.23A RECREATIONAL RIDING AREA -- LIMITATION OF LIABILITY OF PRIOR LANDOWNERS.

Prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle or to give any warning of a dangerous condition, use, structure, or activity on such premises that would make the land unsafe for all-terrain vehicle usage.

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

14. Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public facility designed for purposes of skateboarding, or in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking that was constructed or reconstructed, reasonably and in good faith, in accordance with a generally recognized engineering or safety ~~standard, criteria,~~ standards or design ~~theory theories~~ in existence at the time of the construction or reconstruction.

15. Any claim based upon or arising out of an act or omission of an officer or employee of the municipality or the municipality's governing body by a person skateboarding, or in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when the

person knew or reasonably should have known that the skateboarding, or in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking created a substantial risk of injury to the person and was voluntarily in the place of risk. The exemption from liability contained in this subsection shall only apply to claims for injuries or damage resulting from the risks inherent in the activities of skateboarding, or in-line skating, bicycling, unicycling, scootering, river rafting, canoeing, or kayaking.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 584, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor