

FILED MAR 11 '03

SENATE FILE 334
BY COMMITTEE ON
LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1090)

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

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 claims arising from bicycling on public property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 334

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, or bicycling that was
8 constructed or reconstructed in accordance with a generally
9 recognized engineering or safety standard, criteria, or design
10 theory in existence at the time of the construction or
11 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, or bicycling on public property when the
16 person knew or reasonably should have known that the
17 skateboarding, or in-line skating, or bicycling created a
18 substantial risk of injury to the person and was voluntarily
19 in the place of risk. The exemption from liability contained
20 in this subsection shall only apply to claims for injuries or
21 damage resulting from the risks inherent in the activities of
22 skateboarding, or in-line skating, or bicycling.

23 EXPLANATION

24 This bill provides an exemption from liability regarding a
25 municipality's ~~negligent design or reconstruction~~

SENATE FILE 334

26 reconst **S-3145**

27 bicycli 1 Amend Senate File 334 as follows:

28 with ge 2 1. Page 1, by striking lines 8 and 9 and
29 The 3 inserting the following: "constructed or
30 municip. 4 reconstructed reasonably and in good faith in
5 accordance with a generally recognized engineering or
31 of an o. 6 safety ~~standard~~ standards, criteria or design".

By KEITH A. KREIMAN

32 engaged **S-3145 FILED APRIL 7, 2003**

33 have kn **S-3055 FILED MARCH 18, 2003**

34 injury a
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1 county, township, school district, or other unit of local
2 government.

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Miller
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Stewart

Local Government

SSB 1090

SENATE FILE S. HF 334

Succeeded By

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON GASKILL)

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

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for
2 claims arising from bicycling on public property.

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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
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6 reconstruction of a public facility designed for purposes of
7 skateboarding, or in-line skating, or bicycling that was
8 constructed or reconstructed in accordance with a generally
9 recognized engineering or safety standard, criteria, or design
10 theory in existence at the time of the construction or
11 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, or bicycling on public property when the
16 person knew or reasonably should have known that the
17 skateboarding, or in-line skating, or bicycling created a
18 substantial risk of injury to the person and was voluntarily
19 in the place of risk. The exemption from liability contained
20 in this subsection shall only apply to claims for injuries or
21 damage resulting from the risks inherent in the activities of
22 skateboarding, or in-line skating, or bicycling.

23 EXPLANATION

24 This bill provides an exemption from liability regarding a
25 municipality's negligent design, or negligent construction or
26 reconstruction of a public facility designed for purposes of
27 bicycling that was constructed or reconstructed in accordance
28 with generally recognized engineering or safety standards.

29 The bill also provides an exemption from liability for
30 municipalities relating to claims based upon acts or omissions
31 of an officer or employee of the municipality by a person
32 engaged in bicycling when the person knew or reasonably should
33 have known that the bicycling created a substantial risk of
34 injury and the person was acting voluntarily.

35 A municipality in Code chapter 670 is defined as a city,

1 county, township, school district, or other unit of local
2 government.

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