

House Study Bill 685

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

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

A BILL FOR

1 An Act relating to fault in a civil action to recover damages for
2 a death or injury to a person or an injury to property that
3 involves enhanced injuries.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6108HC 81
6 rh/je/5

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1 1 Section 1. Section 668.1, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. As used in this chapter, "fault" means one or more acts
1 4 or omissions that are in any measure negligent or reckless
1 5 toward the person or property of the actor or others, or that
1 6 subject a person to strict tort liability. The term also
1 7 includes breach of warranty, unreasonable assumption of risk
1 8 not constituting an enforceable express consent, misuse of a
1 9 product for which the defendant otherwise would be liable, use
1 10 of a product that results in an enhanced injury, and
1 11 unreasonable failure to avoid an injury or to mitigate
1 12 damages. As used in this subsection, "enhanced injury" means
1 13 an injury arising in a situation where a design defect of a
1 14 product, not causally connected to an accident, results in a
1 15 greater injury than would have resulted from the accident had
1 16 there been no design defect.

1 17 EXPLANATION

1 18 This bill relates to the definition of "fault" in a civil
1 19 action to recover damages for a death or injury to a person or
1 20 an injury to property and enhanced injuries.

1 21 The bill extends the definition of "fault" for purposes of
1 22 recovery for injury caused by another person's torts to an
1 23 enhanced injury claim. An enhanced injury claim applies to a
1 24 situation where a design defect of a product, not causally
1 25 connected to an accident, results in injuries greater than
1 26 those which would have resulted from the accident had there
1 27 been no design defect.

1 28 LSB 6108HC 81

1 29 rh:rj/je/5