

House Study Bill 70

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 eliminating the limitation on the reduction in damages
2 awarded to plaintiffs who fail to wear a motor vehicle safety
3 belt or safety harness.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2039HC 81
6 rh/sh/8

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1 1 Section 1. Section 321.445, subsection 4, paragraph b,
1 2 subparagraph (2), Code 2005, is amended to read as follows:
1 3 (2) If the evidence supports such a finding, the trier of
1 4 fact may find that the plaintiff's failure to wear a safety
1 5 belt or safety harness in violation of this section
1 6 contributed to the plaintiff's claimed injury or injuries, and
1 7 may reduce the amount of plaintiff's recovery by an amount ~~not~~
~~1 8 to exceed five percent of the damages awarded proportionate to~~
~~1 9 the degree to which the failure to wear a safety belt or~~
~~1 10 safety harness contributed to the plaintiff's claimed injury~~
~~1 11 or injuries, after any reductions for comparative fault.~~

1 12 EXPLANATION
1 13 This bill eliminates the limitation on the reduction in
1 14 damages awarded to plaintiffs who fail to wear a motor vehicle
1 15 safety belt or safety harness. Currently, Code section
1 16 321.445 provides that the trier of fact may reduce the amount
1 17 of a plaintiff's recovery by an amount not to exceed 5 percent
1 18 of the damages awarded after any reductions for comparative
1 19 fault if the evidence supports a finding that the plaintiff's
1 20 failure to wear the belt or harness, in violation of that
1 21 section, contributed to the plaintiff's claimed injury or
1 22 injuries.
1 23 LSB 2039HC 81
1 24 rh:rj/sh/8