

# House Study Bill 187

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the applicability of statute of limitations  
2 tolling provisions relating to minors and persons with mental  
3 illness and providing an applicability date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1775HC 82  
6 rh/je/5

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1 1 Section 1. Section 216.15, subsection 12, Code 2007, is  
1 2 amended to read as follows:  
1 3 12. ~~Except as provided in section 614.8,~~ a claim under  
1 4 this chapter shall not be maintained unless a complaint is  
1 5 filed with the commission within one hundred eighty days after  
1 6 the alleged discriminatory or unfair practice occurred.

1 7 Sec. 2. Section 614.8, Code 2007, is amended to read as  
1 8 follows:

1 9 614.8 MINORS AND PERSONS WITH MENTAL ILLNESS.

1 10 1. The times limited for actions in this chapter, ~~or~~  
1 11 ~~chapter 216, 669, or 670,~~ except those brought for penalties  
1 12 and forfeitures, are extended in favor of persons with mental  
1 13 illness, so that they shall have one year from and after the  
1 14 termination of the disability within which to commence an  
1 15 action.

1 16 2. Except as provided in section 614.1, subsection 9, the  
1 17 times limited for actions in this chapter, ~~or chapter 216,~~  
1 18 ~~669, or 670,~~ except those brought for penalties and  
1 19 forfeitures, are extended in favor of minors, so that they  
1 20 shall have one year from and after attainment of majority  
1 21 within which to commence an action.

1 22 Sec. 3. Section 669.13, subsection 1, Code 2007, is  
1 23 amended to read as follows:

1 24 1. ~~Except as provided in section 614.8,~~ a claim or suit  
1 25 otherwise permitted under this chapter shall be forever  
1 26 barred, unless within two years after the claim accrued, the  
1 27 claim is made in writing and filed with the director of the  
1 28 department of management under this chapter. The time to  
1 29 begin a suit under this chapter shall be extended for a period  
1 30 of six months from the date of mailing of notice to the  
1 31 claimant by the attorney general as to the final disposition  
1 32 of the claim or from the date of withdrawal of the claim under  
1 33 section 669.5, if the time to begin suit would otherwise  
1 34 expire before the end of the period.

1 35 Sec. 4. Section 670.5, Code 2007, is amended to read as  
2 1 follows:

2 2 670.5 LIMITATION OF ACTIONS.

2 3 ~~Every~~ ~~Except as provided in section 614.8,~~ a person who  
2 4 claims damages from any municipality or any officer, employee  
2 5 or agent of a municipality for or on account of any wrongful  
2 6 death, loss or injury within the scope of section 670.2 or  
2 7 section 670.8 or under common law shall commence an action  
2 8 therefor within six months, unless said person shall cause to  
2 9 be presented to the governing body of the municipality within  
2 10 sixty days after the alleged wrongful death, loss or injury a  
2 11 written notice stating the time, place, and circumstances  
2 12 thereof and the amount of compensation or other relief  
2 13 demanded. Failure to state time or place or circumstances or  
2 14 the amount of compensation or other relief demanded shall not  
2 15 invalidate the notice; providing, the claimant shall furnish  
2 16 full information within fifteen days after demand by the  
2 17 municipality. No action therefor shall be maintained unless

2 18 such notice has been given and unless the action is commenced  
2 19 within two years after such notice. The time for giving such  
2 20 notice shall include a reasonable length of time, not to  
2 21 exceed ninety days, during which the person injured is  
2 22 incapacitated by the injury from giving such notice.  
2 23 Sec. 5. APPLICABILITY. This Act applies to all  
2 24 complaints, claims, and actions made or filed on or after July  
2 25 1, 2007.

2 26 EXPLANATION

2 27 Current law provides that the applicable statute of  
2 28 limitation periods in which a lawsuit may be filed pursuant to  
2 29 Code chapter 614 are subject to the tolling provisions  
2 30 relating to minors and persons with mental illness contained  
2 31 in Code section 614.8. That section provides that if a person  
2 32 was a minor at the time the injury occurred, the person has  
2 33 one year after attaining the age of majority (18) to file an  
2 34 action. Similarly, if a person had a mental illness at the  
2 35 time the injury occurred, the person has until one year after  
3 1 the termination of the mental illness to file an action. A  
3 2 tolling provision in the law stops the applicable statute of  
3 3 limitation running for a specified period of time.

3 4 The bill extends the tolling provisions relating to minors  
3 5 and persons with mental illness to complaints and actions  
3 6 filed in certain civil rights cases including discriminatory  
3 7 and unfair employment, housing, education, credit, and  
3 8 accommodation cases, and to claims and actions filed against  
3 9 the state and against a city, county, township, school  
3 10 district, or any other unit of local government except a soil  
3 11 and water conservation district.

3 12 The bill applies to all complaints, claims, and actions  
3 13 filed on or after July 1, 2007.

3 14 LSB 1775HC 82

3 15 rh:rj/je/5