

# Senate Study Bill 1083

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

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

## A BILL FOR

1 An Act relating to notice of claims and the statute of limitation  
2 period in an action involving a claim against a special  
3 charter city.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1094XC 83  
6 rh/rj/8

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1 1 Section 1. Section 420.44, Code 2009, is amended to read  
1 2 as follows:  
1 3 420.44 UNLIQUIDATED CLAIM == LIMITATION OF ACTION.  
1 4 ~~No suit~~ An action shall be brought against any such city  
1 5 for any unliquidated claim or demand ~~unless~~ within ~~three~~  
~~1 6 months from the time the same became due or cause of action~~  
~~1 7 accrued thereon, nor unless a written, verified statement of~~  
~~1 8 the general nature, cause, and amount of same is filed with~~  
~~1 9 the clerk or recorder thirty days before the commencement of~~  
~~1 10 such suit two years after the alleged injury or damage.~~  
1 11 Sec. 2. Section 420.45, Code 2009, is amended to read as  
1 12 follows:  
1 13 420.45 CLAIMS FOR PERSONAL INJURY == LIMITATION.  
1 14 In all cases of personal injury or damage to property  
1 15 resulting from defective streets or sidewalks, or from any  
1 16 cause originating in the neglect or failure of any municipal  
1 17 corporation or its officers to perform their duties, ~~no suit~~  
1 18 an action shall be brought against any such city ~~after three~~  
~~1 19 months within two years from the time of after the alleged~~  
1 20 ~~injury or damage, and not then unless a written verified~~  
~~1 21 statement of the amount, nature, and cause of such injury or~~  
~~1 22 damage, and the time when and the place where such injury~~  
~~1 23 occurred, and the particular defect or negligence of the city~~  
~~1 24 or its officers which it is claimed caused or contributed to~~  
~~1 25 the injury or damage, shall be presented to the council or~~  
~~1 26 filed with the clerk within thirty days after said alleged~~  
~~1 27 injury or damage was sustained.~~  
1 28 EXPLANATION  
1 29 This bill eliminates the requirement that a notice of a  
1 30 claim against a special charter city for personal injury or  
1 31 damage to property resulting from defective streets or  
1 32 sidewalks or from any cause originating in the neglect or  
1 33 failure of any municipal corporation or its officers to  
1 34 perform their duties be presented to the city council or filed  
1 35 with the city clerk within 30 days after the injury or damage  
2 1 in order to sustain a tort action against the special charter  
2 2 city. The bill also eliminates the requirement that a notice  
2 3 of any unliquidated damage claim against a special charter  
2 4 city be filed with the city clerk or recorder 30 days before a  
2 5 lawsuit is filed against a special charter city. The  
2 6 elimination of these notice of claim requirements are  
2 7 consistent with the elimination of the notice of claim  
2 8 requirement relating to tort claims against a municipality  
2 9 enacted in 2007 Iowa Acts, chapter 110, section 5 (S.F. 384).  
2 10 The bill specifies that all such actions against a special  
2 11 charter city must be brought within two years after the  
2 12 alleged injury or damage.  
2 13 LSB 1094XC 83  
2 14 rh/rj/8