

House File 353 - Introduced

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A BILL FOR

1 An Act relating to a minor child's prospective claim for
2 negligence.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 613.16A Parental waiver of
2 liability on behalf of minor child.

3 A parent of a minor child may, on behalf of the parent's
4 minor child, waive such minor child's prospective claim for
5 negligence. However, any waiver by a parent of a minor child's
6 prospective claim against a person or entity for willful,
7 reckless, or grossly negligent behavior shall be void and
8 unenforceable.

9

EXPLANATION

10 This bill provides that a parent may, on behalf of the
11 parent's minor child, release or waive such minor child's
12 prospective claim for negligence as long as the claim does not
13 involve willful, reckless, or grossly negligent behavior.

14 In Galloway v. State (No. 08-0776, filed November 5, 2010),
15 the Iowa Supreme Court concluded that preinjury releases
16 executed by parents waiving prospective personal injury claims
17 of their minor children violate public policy and are therefore
18 unenforceable.