

House File 158 - Introduced

HOUSE FILE 158
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 72)

A BILL FOR

1 An Act providing for an exception to municipal tort liability
2 for claims arising from sledding on municipality-controlled
3 property.

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

1 Section 1. Section 670.4, subsections 14 and 15, Code 2013,
2 are amended to read as follows:

3 14. Any claim based upon or arising out of a claim of
4 negligent design or specification, negligent adoption of design
5 or specification, or negligent construction or reconstruction
6 of a public facility designed for purposes of skateboarding,
7 in-line skating, bicycling, unicycling, scootering, river
8 rafting, canoeing, ~~or kayaking~~, or sledding that was
9 constructed or reconstructed, reasonably and in good faith,
10 in accordance with generally recognized engineering or safety
11 standards or design theories in existence at the time of the
12 construction or reconstruction.

13 15. Any claim based upon or arising out of an act or
14 omission of an officer or employee of the municipality or
15 the municipality's governing body by a person skateboarding,
16 in-line skating, bicycling, unicycling, scootering, river
17 rafting, canoeing, ~~or kayaking~~, or sledding on public property
18 when the person knew or reasonably should have known that
19 the skateboarding, in-line skating, bicycling, unicycling,
20 scootering, river rafting, canoeing, ~~or kayaking~~, or sledding
21 created a substantial risk of injury to the person and was
22 voluntarily in the place of risk. The exemption from liability
23 contained in this subsection shall only apply to claims for
24 injuries or damage resulting from the risks inherent in the
25 activities of skateboarding, in-line skating, bicycling,
26 unicycling, scootering, river rafting, canoeing, ~~or kayaking~~,
27 or sledding.

28 EXPLANATION

29 This bill provides an exemption from liability regarding a
30 municipality's negligent design or specification, or negligent
31 construction or reconstruction of a public facility designed
32 for sledding purposes that was constructed or reconstructed
33 in accordance with generally recognized engineering or safety
34 standards or design theories.

35 The bill also provides an exemption from liability for

1 municipalities relating to claims based upon acts or omissions
2 of an officer or employee of the municipality by a person
3 engaged in sledding when the person knew or reasonably should
4 have known that the sledding created a substantial risk of
5 injury and the person was acting voluntarily.

6 A municipality in Code chapter 670 is defined as a city,
7 county, township, school district, or other unit of local
8 government.