

Senate Study Bill 1124 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act requiring in-state construction contracts and disputes
2 thereof to be governed by Iowa law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 537A.6 In-state construction
2 contracts — Iowa law to govern.

3 1. As used in this section, "*in-state construction*
4 *contract*" means a public, private, foreign, or domestic
5 agreement relating to construction, alteration, repair, or
6 maintenance of any real property in this state and includes
7 agreements for architectural services, demolition, design
8 services, development, engineering services, excavation, or any
9 other improvement to real property in this state, including
10 buildings, shafts, wells, and structures, whether on, above, or
11 under real property in this state.

12 2. A provision of an in-state construction contract is void
13 and unenforceable as contrary to public policy if the provision
14 does any of the following:

15 a. Makes the in-state construction contract subject to the
16 laws of another state.

17 b. Requires any litigation, mediation, arbitration, or
18 other dispute resolution proceeding arising from the in-state
19 construction contract to be conducted in another state.

20 3. Any litigation, mediation, arbitration, or other dispute
21 resolution proceeding arising from or relating to an in-state
22 construction contract shall be conducted in this state.

23 EXPLANATION

24 This bill provides that a provision of an in-state
25 construction contract is void and unenforceable as contrary
26 to public policy if the provision makes the contract subject
27 to the laws of another state or requires any litigation,
28 mediation, arbitration, or other dispute resolution proceeding
29 arising from the contract to be conducted in another state.
30 The bill also requires any litigation, mediation, arbitration,
31 or other dispute resolution proceeding arising from or relating
32 to an in-state construction contract to be conducted in this
33 state.

34 "In-state construction contract", as defined in the bill,
35 means a public, private, foreign, or domestic agreement

S.F. _____

1 relating to construction, alteration, repair, or maintenance
2 of any real property in this state and includes agreements
3 for architectural services, demolition, design services,
4 development, engineering services, excavation, or any
5 other improvement to real property in this state, including
6 buildings, shafts, wells, and structures, whether on, above, or
7 under real property in this state.