

Senate Study Bill 1194 - Introduced

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

A BILL FOR

1 An Act relating to immunity from liability for certain
2 recreational activities on school grounds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 276A.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Injury" means an injury to a person or to property.

5 2. a. "Recreational activity" means all of the following:

6 (1) Any indoor physical activity, sport, team sport, or
7 game, whether organized or unorganized, undertaken for the
8 purpose of competition, exercise, relaxation, diversion,
9 education, or pleasure.

10 (2) Any outdoor activity undertaken for the purpose of
11 exercise, relaxation, diversion, or pleasure, including
12 practice or instruction in any such activity.

13 b. "Recreational activity" does not include any indoor or
14 outdoor organized physical activity, sport, team sport, or game
15 sponsored, organized, and supervised by a school district.

16 3. "Recreational agreement" means a written authorization
17 granted by a school district to a person or entity that permits
18 public access to all or a specified part of the school grounds
19 for the purpose of participating in, attending, supervising,
20 or conducting a recreational activity and that satisfies the
21 requirements of section 276A.4.

22 4. "School board" means a board of directors regularly
23 elected by the registered voters of a school district.

24 5. "School district" means a public school district
25 described in chapter 274.

26 6. "School grounds" means real property, and any school
27 buildings, attendance centers, accessory buildings, structures,
28 and improvements thereon, owned, leased, or rented by a school
29 district and used primarily for public school purposes.

30 7. "Spectator" means a person who attends or watches a
31 recreational activity but does not engage or participate in or
32 intend to engage or participate in the recreational activity.

33 8. "Sport" means an activity requiring physical exertion and
34 skill and which, by its nature and organization, is competitive
35 and includes a set of rules for play.

1 **Sec. 2. NEW SECTION. 276A.2 Immunity from liability.**

2 1. Except as provided in section 276A.3, a school district,
3 school board, or any officer, employee, or agent of a school
4 district or school board does not owe any of the following
5 duties to any person who participates in a recreational
6 activity held pursuant to a recreational agreement:

7 *a.* A duty to keep the school grounds safe for the
8 recreational activity.

9 *b.* A duty to inspect the school grounds.

10 *c.* A duty to give warning of an unsafe condition, use, or
11 activity on the school grounds.

12 2. Except as provided in section 276A.3, a school district,
13 school board, or any officer, employee, or agent of a school
14 district or school board shall not be liable for the death or
15 injury of any person participating in a recreational activity
16 pursuant to a recreational agreement, nor for any death or
17 injury caused by such a person.

18 **Sec. 3. NEW SECTION. 276A.3 Exceptions — malicious acts.**

19 Section 276A.2 shall not limit the liability of a school
20 district, school board, or any officer, employee, or agent of a
21 school district or school board for any of the following:

22 1. The death or injury of any person caused by a malicious
23 act or by a malicious failure to warn against an unsafe
24 condition that a school district, school board, or any officer,
25 employee, or agent of the school district or school board knew
26 or reasonably should have known, that occurs during the course
27 of a recreational activity held pursuant to a recreational
28 agreement.

29 2. The death or injury of a spectator that occurs on school
30 grounds during the course of a recreational activity held
31 pursuant to a recreational agreement.

32 3. The death or injury of a person participating in a
33 recreational activity involving any of the following pursuant
34 to a recreational agreement:

35 *a.* A weight room and related equipment.

1 *b.* A swimming pool.

2 *c.* Gymnastics equipment.

3 Sec. 4. NEW SECTION. **276A.4 Recreational agreement.**

4 A recreational agreement shall include all of the following:

5 1. A description of the recreational activity to be held on
6 school grounds pursuant to the agreement.

7 2. The specific location on school grounds where the
8 recreational activity will be held.

9 3. The time and place of the recreational activity.

10 4. Any eligibility requirements for participation in the
11 recreational activity.

12 5. Whether and to what extent participants who are minors
13 will be supervised.

14 6. A clear statement describing a participant's assumption
15 of risk.

16 EXPLANATION

17 This bill relates to immunity from liability for certain
18 recreational activities held on school grounds.

19 The bill provides that except as otherwise provided in
20 the bill, a school district, school board, or any officer,
21 employee, or agent of a school district or school board does
22 not owe certain duties to any person who participates in a
23 recreational activity held pursuant to a recreational agreement
24 with the school district. In addition, except as otherwise
25 provided in the bill, a school district, school board, or any
26 officer, employee, or agent of a school district or school
27 board shall not be liable for the death or injury of any person
28 participating in a recreational activity held pursuant to a
29 recreational agreement, nor for any death or injury caused by
30 such a person. "Recreational activity" is defined in the bill
31 and does not include any indoor or outdoor organized physical
32 activity, sport, team sport, or game sponsored, organized, and
33 supervised by a school district. "Recreational agreement"
34 is defined as a written authorization granted by a school
35 district to a person or entity that permits public access to

1 all or a specified part of the school grounds for the purpose
2 of participating in, attending, supervising, or conducting a
3 recreational activity and that satisfies the requirements of a
4 recreational agreement as specified in the bill.

5 The bill provides that the bill shall not limit the liability
6 of a school district, school board, or any officer, employee,
7 or agent of a school district or school board for the death
8 or injury of any person caused by a malicious act or by a
9 malicious failure to warn against an unsafe condition which
10 a school district, school board, or any officer, employee,
11 or agent of the school district or school board knew of or
12 reasonably should have known of, that occurs during the course
13 of a recreational activity held pursuant to a recreational
14 agreement, the death or injury of a spectator that occurs
15 during the course of a recreational activity held pursuant to
16 a recreational agreement, or the death or injury of a person
17 participating in a recreational activity involving a weight
18 room and related equipment, swimming pool, or gymnastics
19 equipment pursuant to a recreational agreement.