

Senate Study Bill 1081 - Introduced

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

A BILL FOR

1 An Act providing an exemption from liability under the Iowa
2 municipal tort claims Act for an officer or employee of a
3 school district or local school board from a claim related
4 to a person's participation in an extracurricular activity
5 not sponsored by the school on school grounds.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 670.4, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *p.* Any claim based upon an act or omission
4 by a local school board or an officer or employee of a school
5 district or a local school board, where the injuries or damage
6 occurred due to a person's participation in an extracurricular
7 activity not sponsored by the school on school grounds.
8 This paragraph shall not apply to claims based upon gross
9 negligence. For purposes of this paragraph, "*school grounds*"
10 means real property, and any school buildings, attendance
11 centers, accessory buildings, structures, and improvements
12 thereon, owned, leased, or rented by a school district and used
13 primarily for public school purposes.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 Under Code chapter 670, the Iowa municipal tort claims
18 Act (IMTCA), every municipality (defined as a city, county,
19 township, school district, and any other unit of local
20 government except soil and water conservation districts)
21 is subject to liability for its torts and those of its
22 officers and employees acting within the scope of their
23 employment or duties, whether arising out of a governmental
24 or proprietary function, except as otherwise provided in the
25 IMTCA. Municipalities are required to defend, hold harmless,
26 and indemnify municipal officers and employees from any claims
27 occurring within the scope of their employment or duties.
28 Municipal officers and employees under Code section 670.12 are
29 not liable for such exempted claims unless actual malice or
30 willful, wanton, and reckless misconduct is proven. The IMTCA
31 currently contains 15 exclusions from liability for certain
32 types of claims.

33 This bill adds an additional exclusion from liability under
34 the IMTCA. The bill excludes any claim based upon an act or
35 omission by an officer or employee of a school district or

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1 a local school board, or a school board itself, where the
2 injuries or damage occurred due to a person's participation
3 in an extracurricular activity not sponsored by the school on
4 school grounds, except for claims based on gross negligence.
5 "School grounds" means real property, and any school buildings,
6 attendance centers, accessory buildings, structures, and
7 improvements thereon, owned, leased, or rented by a school
8 district and used primarily for public school purposes.