

Senate Study Bill 1247 - Introduced

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

A BILL FOR

1 An Act relating to an exemption from municipal tort liability
2 for claims arising from recreational activities on
3 municipality-controlled property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 670.4, subsection 1, paragraph o, Code
2 2015, is amended to read as follows:

3 o. Any claim for injuries or damages based upon or arising
4 out of an act or omission of an officer or employee of the
5 municipality or the municipality's governing body by a
6 person ~~skateboarding, in-line skating, bicycling, unicycling,~~
7 ~~scootering, river rafting, canoeing, or kayaking~~ participating
8 in a recreational activity on public property when the claimed
9 injuries or damages resulted from the normal and expected risks
10 inherent in the recreational activity, the person engaging
11 in the recreational activity was voluntarily on the public
12 property where the injuries or damages occurred, and the person
13 knew or reasonably should have known that the ~~skateboarding,~~
14 ~~in-line skating, bicycling, unicycling, scootering, river~~
15 ~~rafting, canoeing, or kayaking~~ recreational activity created a
16 substantial risk of ~~injury to the person and was voluntarily~~
17 ~~in the place of risk~~ injuries or damages. ~~The exemption from~~
18 ~~liability contained in this paragraph shall only apply to~~
19 ~~claims for injuries or damage resulting from the risks inherent~~
20 ~~in the activities of skateboarding, in-line skating, bicycling,~~
21 ~~unicycling, scootering, river rafting, canoeing, or kayaking.~~

22 EXPLANATION

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

25 This bill exempts municipalities from tort liability
26 relating to injuries persons participating in certain
27 recreational activities suffer on municipality-controlled
28 property.

29 Current law provides that municipalities are exempt from
30 tort liability relating to claims based upon acts or omissions
31 of an officer or employee of the municipality by a person who
32 is injured while skateboarding, in-line skating, bicycling,
33 unicycling, scootering, river rafting, canoeing, or kayaking on
34 municipal property, provided that the person knew or reasonably
35 should have known that the activity created a substantial risk

1 of injury, the person was voluntarily in the place of risk, and
2 the injury resulted from the risks inherent in the activity.

3 The bill extends the tort-liability exemption from injuries
4 a person suffers while participating in one of the recreational
5 activities currently listed in Code section 670.4(1)(o)
6 to injuries a person suffers resulting from the normal and
7 expected risks inherent while participating in any recreational
8 activity.