

House Study Bill 34 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to filing requirements for claims made under
2 the Iowa tort claims Act.

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

1 Section 1. Section 669.3, subsections 2 and 3, Code 2017,
2 are amended to read as follows:

3 2. A claim made under this chapter shall be in writing,
4 signed and verified by the claimant, and filed with the
5 director of the department of management, who shall acknowledge
6 receipt on behalf of the state.

7 3. The state appeal board shall adopt rules and procedures
8 for the presentment, handling, processing, and investigation of
9 claims, in accordance with chapter 17A.

10 Sec. 2. Section 669.5, subsection 1, Code 2017, is amended
11 to read as follows:

12 1. A suit shall not be permitted for a claim under this
13 chapter unless the attorney general has made final disposition
14 of the claim. However, if the attorney general does not make
15 final disposition of a claim within six months after the claim
16 is made in writing ~~to,~~ signed and verified by the claimant, and
17 filed with the director of the department of management, the
18 claimant may, by notice in writing, withdraw the claim from
19 consideration and begin suit under this chapter. Disposition
20 of or offer to settle any claim made under this chapter shall
21 not be competent evidence of liability or amount of damages in
22 any suit under this chapter.

23 Sec. 3. Section 669.13, subsection 1, Code 2017, is amended
24 to read as follows:

25 1. Except as provided in section 614.8, a claim or suit
26 otherwise permitted under this chapter shall be forever barred,
27 unless within two years after the claim accrued, the claim is
28 made in writing, signed and verified by the claimant, and filed
29 with the director of the department of management under this
30 chapter. The time to begin a suit under this chapter shall be
31 extended for a period of six months from the date of mailing of
32 notice to the claimant by the attorney general as to the final
33 disposition of the claim or from the date of withdrawal of the
34 claim under section 669.5, if the time to begin suit would
35 otherwise expire before the end of the period.

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EXPLANATION

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

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4 This bill relates to the filing requirements for claims made
5 under the Iowa tort claims Act.

6 Pursuant to the Iowa tort claims Act (Code chapter 669), the
7 state waives its sovereign immunity for certain tort claims.

8 Prior to bringing suit, however, a claimant must exhaust
9 administrative remedies by filing a claim in writing with the
10 director of the department of management. A claimant may then
11 bring suit if the attorney general has made a final disposition
12 of the claim or if the attorney general has not made a final
13 disposition of the claim within six months of such filing and
14 the claimant withdraws the claim.

15 The bill provides that the claimant must sign and verify a
16 claim filed under the Iowa tort claims Act.

17 The bill is in response to the Iowa supreme court's decision
18 in Segura v. State, No. 15-0203 (Iowa Jan. 13, 2017), which
19 held that a claimant's failure to sign and verify a claim did
20 not deprive the district court of subject matter jurisdiction.