

Senate File 2224 - Introduced

SENATE FILE 2224

BY DONAHUE

A BILL FOR

1 An Act relating to tort liability in civil actions involving
2 commercial motor vehicles, including employer liability,
3 noneconomic damages, punitive damages, and exemplary
4 damages.

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

1 Section 1. Section 668A.1, subsection 2, paragraphs a and b,
2 Code 2024, are amended to read as follows:

3 a. If the answer or finding pursuant to subsection 1,
4 paragraph "b", is affirmative, or if the claim is against any
5 physician and surgeon, osteopathic physician and surgeon,
6 dentist, podiatric physician, optometrist, pharmacist,
7 chiropractor, physician assistant, or nurse, licensed under
8 chapter 147, or a hospital licensed under chapter 135B, arising
9 out of patient care, ~~or if the claim is part of a civil action~~
10 ~~involving the operation of a commercial motor vehicle~~, then the
11 full amount of the punitive or exemplary damages awarded shall
12 be paid to the claimant.

13 b. If the answer or finding pursuant to subsection 1,
14 paragraph "b", is negative, and if the claim is not against
15 any physician and surgeon, osteopathic physician and surgeon,
16 dentist, podiatric physician, optometrist, pharmacist,
17 chiropractor, physician assistant, or nurse, licensed under
18 chapter 147, or a hospital licensed under chapter 135B,
19 arising out of patient care, ~~and if the claim is not part of~~
20 ~~a civil action involving the operation of a commercial motor~~
21 ~~vehicle~~, then after payment of all applicable costs and fees,
22 an amount not to exceed twenty-five percent of the punitive or
23 exemplary damages awarded may be ordered paid to the claimant,
24 with the remainder of the award to be ordered paid into a
25 civil reparations trust fund administered by the state court
26 administrator. Funds placed in the civil reparations trust
27 shall be under the control and supervision of the executive
28 council, and shall be disbursed only for purposes of indigent
29 civil litigation programs or insurance assistance programs.

30 Sec. 2. REPEAL. Sections 668.12A and 668.15A, Code 2024,
31 are repealed.

32

EXPLANATION

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

35 This bill relates to tort liability in actions involving

1 commercial motor vehicles.

2 Under current law, the liability of an employer who is
3 a defendant in a civil action involving a commercial motor
4 vehicle for damages caused by negligence of an employee
5 acting within the scope and course of employment is based on
6 respondeat superior if the employer makes certain stipulations.
7 On motion of an employer, a trial court shall dismiss from the
8 action any claim of the employer's direct negligence in hiring,
9 training, supervising, or trusting an employee, or other claim
10 of direct negligence on the part of the employer for the
11 employee's harmful conduct, or other similar claims, if the
12 employer stipulates that at the time of the event that caused
13 the damages that the person whose negligence is the basis of
14 the action was the employer's employee and the employee was
15 acting within the course and scope of employment with the
16 employer.

17 The bill repeals current law and makes an employer liable
18 for an employee's negligence and may be held responsible for
19 direct negligence relating to hiring, training, supervising, or
20 trusting an employee, or other claims of direct negligence on
21 the part of the employee's harmful conduct, subject to certain
22 limitations contained in Code chapter 671A (negligent hiring —
23 limitations on liability) relating to convictions for public
24 offenses, with certain exceptions.

25 Current law limits the amount of noneconomic damages
26 available against the owner or operator of a commercial motor
27 vehicle for personal injury or death to \$5 million regardless
28 of the number of derivative claims, theories of liability, or
29 defendants in the civil action. The bill repeals this cap.

30 Under current law, punitive or exemplary damages may be
31 awarded if, by a preponderance of clear, convincing, and
32 satisfactory evidence, the conduct of the defendant from which
33 the claim arose constituted willful and wanton disregard for
34 the rights or safety of another. In cases involving the
35 operation of a commercial vehicle, the full amount of the award

1 of punitive or exemplary damages shall be paid to the claimant.
2 Under the bill, in cases involving commercial vehicles, the
3 amount of punitive and exemplary damages paid to a claimant
4 shall not exceed 25 percent, with the remainder awarded to
5 the civil reparations trust fund, unless the conduct of the
6 defendant was directed specifically at the claimant, or at
7 the person from which the claimant's claim is derived. Funds
8 in the civil reparations trust fund are used for purposes of
9 indigent civil litigation programs or insurance assistance
10 programs.