

MAR 1 2005
Place On Calendar

HOUSE FILE 479
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 15)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing an exception to municipal tort liability for
2 all-terrain vehicling.

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

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HF 479

1 Section 1. Section 670.4, subsections 14 and 15, Code
2 2005, are amended to read as follows:

3 14. Any claim based upon or arising out of a claim of
4 negligent design or specification, negligent adoption of
5 design or specification, or negligent construction or
6 reconstruction of a public facility designed for purposes of
7 skateboarding, in-line skating, bicycling, unicycling,
8 scootering, all-terrain vehicling, river rafting, canoeing, or
9 kayaking that was constructed or reconstructed, reasonably and
10 in good faith, in accordance with generally recognized
11 engineering or safety standards or design theories in
12 existence at the time of the construction or reconstruction.

13 15. Any claim based upon or arising out of an act or
14 omission of an officer or employee of the municipality or the
15 municipality's governing body by a person skateboarding, in-
16 line skating, bicycling, unicycling, scootering, all-terrain
17 vehicling, river rafting, canoeing, or kayaking on public
18 property when the person knew or reasonably should have known
19 that the skateboarding, in-line skating, bicycling,
20 unicycling, scootering, all-terrain vehicling, river rafting,
21 canoeing, or kayaking created a substantial risk of injury to
22 the person and was voluntarily in the place of risk. The
23 exemption from liability contained in this subsection shall
24 only apply to claims for injuries or damage resulting from the
25 risks inherent in the activities of skateboarding, in-line
26 skating, bicycling, unicycling, scootering, all-terrain
27 vehicling, river rafting, canoeing, or kayaking.

28 EXPLANATION

29 This bill provides an exemption from liability regarding a
30 municipality's negligent design, or negligent construction or
31 reconstruction, of a public facility designed for purposes of
32 all-terrain vehicling that was constructed or reconstructed in
33 accordance with generally recognized engineering or safety
34 standards then in existence.

35 The bill also provides an exemption from liability for

1 municipalities relating to claims based upon acts or omissions
2 of an officer or employee of the municipality by a person
3 engaged in all-terrain vehicling on public property when the
4 person knew or reasonably should have known that the all-
5 terrain vehicling created a substantial risk of injury and the
6 person was acting voluntarily.

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