

2021

**IOWA ACADEMY OF TRIAL
LAWYERS SEMINAR**

Legislation of Interest to Trial Lawyers

February 25, 2021

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2021 Legislative Session

Lawyer-Legislators

House:

HD85	D	Rep. Christina Bohannon
HD25	R	Rep. Stan Gustafson
HD79	R	Rep. Dustin Hite
HD22	R	Rep. Jon Jacobsen
HD2	R	Rep. Megan Jones
HD30	R	Rep. Brian Lohse
HD33	D	Rep. Brian Meyer
HD41	D	Rep. Jo Oldson
HD31	D	Rep. Rick Olson
HD52	D	Rep. Todd Prichard
HD98	D	Rep. Mary Wolfe

Senate:

SD16	D	Senator Nate Boulton
SD3	R	Senator Jim Carlin
SD33	D	Senator Rob Hogg
SD13	R	Senator Julian Garrett
SD1	R	Senator Zach Whiting
SD19	R	Senator Jack Whitver

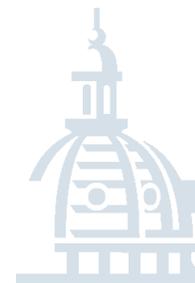
Senate Judiciary Committee Chair: Brad Zaun
House Judiciary Committee Chair: Steven Holt

Justice Appropriations Subcommittee Chair: Julian Garrett (Senate)
Justice Appropriations Subcommittee Chair: Gary Worthan (House)



89th Iowa General Assembly

2021 IOWA LEGISLATIVE SESSION TIMETABLE*



Note: This Session Timetable is subject to change

***See SCR 5, SR 3, and HR 11 (2019)**

JANUARY 11	First day of session (Iowa Code Sec. 2.1)
FEBRUARY 12 (Friday of the 5 th week)	Final day for individual Senator and Representative requests for bill and joint resolution drafts to the Legislative Services Agency (Senate Rule 27 and House Rule 29)
MARCH 5 (Friday of the 8 th week)**	Final date for Senate bills and joint resolutions to be reported out of Senate Committees and House bills and joint resolutions out of House committees (Joint Rule 20)
MARCH 15 - 19 (10 th week)	Senate considers only Senate bills, joint resolutions, and unfinished business House considers only House bills, joint resolutions, and unfinished business (Joint Rule 20)
MARCH 22 - APRIL 2 (11 th and 12 th weeks)	Debate not limited by rule
APRIL 2 (Friday of the 12 th week)**	Final date for Senate bills and joint resolutions to be reported out of House committees and House bills and joint resolutions out of Senate committees (Joint Rule 20)
APRIL 5 - 9 (13 th week)	Senate considers only House bills, joint resolutions, and unfinished business House considers only Senate bills, joint resolutions, and unfinished business (Joint Rule 20)
APRIL 12 (Beginning of the 14 th week)	Only the following bills and resolutions are eligible for consideration: (Joint Rule 20) <ul style="list-style-type: none"> ▪ Bills passed by both Houses ▪ Appropriations Bills ▪ Ways and Means Bills ▪ Government Oversight Bills ▪ Legalizing Acts ▪ Administrative Rules Review Committee Bills ▪ Committee Bills related to delayed or suspended Administrative Rules [Iowa Code Sec. 17A.8(9)] ▪ Bills co-sponsored by Majority and Minority Leaders of one House ▪ Conference Committee Reports ▪ Companion Bills sponsored by Senate and House Majority Leaders ▪ Concurrent or Simple Resolutions ▪ Joint Resolutions nullifying Administrative Rules ▪ Bills on the Veto Calendar (Joint Rule 23) ▪ Unfinished Business
APRIL 12 (Beginning of the 14 th week)	Amendments need not be filed on the day preceding floor debate (House Rule 31.8)
APRIL 30	110 th calendar day of the session [Per diem expenses end - Iowa Code Sec. 2.10(1)]

**The March 5 and April 2 committee deadlines do not apply to Appropriations Bills, Ways and Means Bills, Government Oversight Bills, Legalizing Acts, Administrative Rules Review Committee Bills, Committee Bills related to delayed or suspended Administrative Rules [Iowa Code Sec. 17A.8(9)], Bills co-sponsored by Majority and Minority Leaders of one House, Conference Committee Reports, Companion Bills sponsored by the Majority Leaders of both Houses after consultation with the respective Minority Leaders, Concurrent or Simple Resolutions, and Joint Resolutions nullifying Administrative Rules.
Legislative Information Office: 07/28/2020

IOWA STATE BAR ASSOCIATION
2021 Affirmative Legislative Program

Updated 2/22/2021

Bill No.	Subject	Bill Description	Bill Status
HF 360/ SF 244	Probate & Trust Law Calculation of Probate Court Costs	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerks of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: Ways & Means Subcommittee Scheduled for 2/23/21. Senate: Ways & Means Subcommittee Recommended Passage 2/17/21.
HSB 27/ SSB 1007	Probate & Trust Law Guardianship & Conservatorship Update	Proposed changes to HF 610 to “fix” technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only addresses requested changes in Iowa Code 633.	House: Subcommittee Assigned Senate: Subcommittee Assigned
HSB 14/ SSB 1035	Probate & Trust Law Family Law Guardianship & Conservatorship Update	Proposed changes to HF 591 to “fix” technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only relates to amendments to Iowa Code 232D, or the Iowa Minor Guardianship Act. Specially, this bill makes clarifications to the role of “court visitor”, background checks, court confidentiality, and when and how the Court should be notified with regard to minor conservatorships.	House: Subcommittee recommended passage 1/13/21. Senate: Subcommittee Assigned
SF 173	Probate & Trust Law Certification of Trusts	Amends Iowa Code section 633A.4604 (Certification of Trusts) to require these certifications to include names of all currently acting trustees, state how many trustees must agree if there is more than one trustee, and allow signers to certify these documents (no longer will signature notarization be required). Amends Iowa Code section 633A.4703 (General order of abatement) to make trust code provisions for abating shares of surviving spouses who don’t take elective shares of the trust be the same as the probate code provisions for abating shares of surviving spouses who don’t take elective shares under the decedent’s Will.	House: Unanimously passed the House Floor 93-0 on 2/16/21. Senate: Unanimously passed Senate Floor, 46-0 on 2/3/21. Awaiting Governor’s Signature

<p>SF 239</p>	<p>Probate & Trust Law Liability of Decedent's Estate</p>	<p>Amends Iowa Code Section 611.22 to limit the parties who can represent a decedent's interest in litigation following a decedent's death to parties who can and must treat the results of litigation as any other asset or liability of the decedent's estate.</p> <p>Legislation would ensure that a decedent's liability pursuant to litigation isn't given a higher priority for payment than any other claim under §633.425 of the Probate Code, and that any additional assets to which a decedent becomes entitled after death as a result of litigation aren't exempt from taxes or other obligations to which estate assets are subject. As proposed, only a personal representative of a decedent's estate as defined in Section 633.3 or a "successor" as defined in Section 633.356 (the affidavit procedure for settling estates with probate assets worth \$50,000 or less) because only these parties are obligated to pay the decedent's financial obligations (taxes, debts, Medicaid claims etc.).</p>	<p>House: Unanimously passed House Floor 94-0 on 2/16/21.</p> <p>Senate: Unanimously passed Senate Floor, 48-0 on 2/9/21.</p> <p>Awaiting Governor's Signature</p>
<p>SF 240</p>	<p>Probate & Trust Law Uniform Custodial Trust Act</p>	<p>Creates a new chapter in Iowa Code called "Uniform Custodial Trust Act." This legislation would provide a tool to facilitate small gifts to adults akin to the Uniform Transfers to Minors Act (Chapter 565B). Additionally, this act would be used for litigation proceeds, gifts or bequests to vulnerable adults who may not be qualified to manage the new assets, but where a conservatorship isn't a suitable vehicle. Finally, this proposal will facilitate the management of property for adults and will facilitate estate planning for testators and trust settlors.</p>	<p>House: Unanimously passed House Floor, 94-0 on 2/10/21.</p> <p>Senate: Unanimously passed Senate Floor, 48-0 on 2/9/21.</p> <p>Awaiting Governor's Signature.</p>
<p>HF 587/ SF 235</p>	<p>Probate & Trust Law Contested Claims in Probate</p>	<p>This proposal amends and updates the Iowa Probate Code that governs contested claims in Probate Proceedings, Iowa Code § 633.68-633.449. More specifically, this legislative proposal updates the required procedures in these proceedings to coordinate with the EDMS electronic court-filing system. Increases the value of contested claims that can be litigated under these statutes from \$300 to the small claims statutory values passed by the legislature in 2019 (\$6,500). Finally, this legislative proposal streamlines the notice requirements in these proceedings by removing outdated provisions regarding the use of USPS.</p>	<p>House: Eligible for Floor Debate</p> <p>Senate: Unanimously passed Senate Floor, 48-0 on 2/9/21.</p>

HF 561/ SF 341	Construction Law Mechanic's Lien Proceedings	This proposal amends Iowa Code § 572.8 to allow a mechanic's lien involving real property covering multiple counties to be posted once on the centralized, digital MNLIR system and indexed on all applicable counties. In addition, this legislative proposal amends Iowa Code § 572.32 to provide statutory certainty on the recovery of attorney fees by prevailing claimants in mechanic's lien actions where the lien is discharged by a bond.	House: Eligible for Debate Senate: On Senate Debate Calendar
HSB 39/ SF 266	Business Law Uniform Model Corporations Act	Along with thirty-three other States and the District of Columbia, Iowa has generally followed the Model Business Corporation Act in enacting the law governing business corporations. It is substantively sound and well drafted, and it offers benefits to Iowa courts, practitioners, and businesses on account of its widespread adoption, court interpretations (although non-binding), and useful Official Comments. In December 2016 the ABA Corporate Laws Committee published a 4 th Edition of the MBCA. The 4 th Edition amends the MBCA in various substantive ways. It also represents in part a restatement of the MBCA to include amendments approved since publication of the 3 rd Edition; and in recognition of continuing developments in the law, the 4 th Edition integrates the MBCA with the law governing unincorporated business associations such as LLCs. Finally, some changes were made simply to improve clarity.	House: Full House Judiciary Committee Unanimously Passed on 2/17/21. Senate: Ways & Means Subcommittee Scheduled for 2/22/21.

In addition to the above legislative proposals, the Iowa State Bar Association supports the following positions as a part of its 2021 Affirmative Legislative Program:

- **Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.**
- **Full Funding of the Judicial Branch.**
- **Full funding for Legal Services.**
- **Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.**
- **Full funding for the Office of Substitute Decision Maker through the Aging and Disability Resource Center to protect the interests of Iowans who have no one else to manage their financial and health care needs.**
- **Support child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.**
- **Oppose the legalization of title insurance.**
- **Oppose absolute immunity legislation.**
- **Oppose arbitrary caps on the recovery of damages in medical malpractice cases.**

Get Historic Rates

Step 1: Select Your State *

Iowa

Step 2: View Rates for One Year, or for Multiple Years.

Press Ctrl Key to Select Multiple Years.

2000
2001
2002
2003
2004
2005

SUBMIT

Iowa Medical Malpractice Insurance

- Get a Free Quote from all Leading Carriers
- Read the Latest 2021 Marketplace Guide
- Review Historic Iowa Malpractice Insurance Rates

**COMPARE RATES AND
SAVE 20% OR MORE**

Please fill all fields

Select Your Profession

GET STARTED

Cunningham Group is here for Iowa Physicians & Medical Professionals

We are Medical Malpractice Insurance Specialists helping physicians, medical professionals and medical groups across specialties get medical malpractice coverage at cost-effective rates – as well as providing valuable tools and resources.

EXPERIENCED



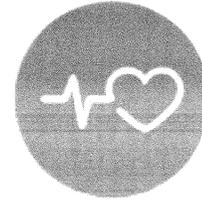
Founded in 1947, our experienced liability specialists will customize a policy to the specific needs of you and your practice.

PHYSICIAN DISCOUNTS



Get all the physician discounts you are entitled to, including: Risk Management, Claims-free and New to Practice.

PRIOR ACTS COVERAGE



We ensure you receive Prior Acts, so you avoid purchasing separate tail malpractice coverage.

HISTORIC MED-MAL RATE DATA



We publish historic rate data for every county in the State, in partnership with the Medical Liability Monitor – the nation's leading independent source of Medical Liability Insurance and healthcare industry news.

FREE TOOLS & RESOURCES



Access to ALL MD, our network of Connecticut healthcare defense lawyers. Free Practice Tools, including Online Patient Satisfaction Survey System and Risk Management tools.

CUSTOMER SERVICE



Experience excellent customer service with our dedicated account team.

Cunningham Group Has You Covered

On average, Cunningham Group saves Physicians and Medical Professionals 20% on their medical malpractice insurance.

BY SPECIALTY	BY LOCATION	BY FACILITY TYPE	BY CARRIER	POPULAR SEARCHES
Medical Assistants	Illinois	Medispa Insurance	Doctors Company Insurance	Physician Malpractice
Nurse Practitioner	Colorado	Surgery Center Malpractice	Admiral Insurance Co	Malpractice Insurance Rate
Urologists	New York	Telemedicine Malpractice	Medical Assurance Group	Medical Malpractice Rates By Specialty
Cost Of Tail Malpractice Coverage For Doctors	New Jersey		Medical Protective Insurance	Medical Malpractice Tail Coverage
Surgeons	California		Medicus Health Insurance	Healthcare Liability Solutions
Ob/Gyn				Medical Malpractice Insurance Definition
CRNA				Medical Malpractice Insurance Cost
				Malpractice Insurance Types

GET A FREE QUOTE

2021 Iowa Malpractice Insurance Marketplace Guide

Iowa Med-Mal Fast Facts

- Most Common Limits of Liability: \$1 million/\$3 million
- Major Malpractice Insurers:

- MMIC Insurance Inc.
- Lexington Insurance Co.
- ProAssurance Casualty Co.
- Medical Protective Co.
- Columbia Casualty Co.
- **Cost of Medical Malpractice Insurance: Low**
- **Pending State Legislation in 2021 that could affect your rates?: No**

The Iowa Malpractice Landscape

The Iowa malpractice landscape is a good one for physicians. Premiums are among the lowest in the country, and, when physicians are sued, Iowa juries have shown an unwillingness to dole out large 'jackpot justice' verdicts. Iowa ranked fourth overall on the Institute for Legal Reform's 2015 report, *Ranking the States: A Survey of the Fairness and Reasonableness of State Liability Systems*. The Institute for Legal Reform is an affiliate of the U.S. Chamber of Commerce, and regularly publishes an updated ranking of state tort systems. Iowa's ranking increased from tenth in 2012 to fourth in 2015.

Tort Reform in Iowa

Iowa's positive medical liability climate is not due to tort reform is expected to get even better after Gov. Terry Branstad signed [Senate File 465](#) into law in 2017. The new law caps non-economic damages in medical liability lawsuits at \$250,000 and requires a certificate of merit for medical malpractice lawsuits to proceed. Iowa had previously reformed to joint and several liability, with defendants who are less than 50% liable being responsible only for their portion, and the state also requires collateral sources to be considered when making awards.

Does Iowa have...

- **Damage Caps? Yes**
- **Patient Compensation Fund? No**
- **Apology Law? Yes, any statement, affirmation, gesture or conduct expressing sorrow, sympathy, commiseration, condolence, compassion or a general sense of benevolence can be made to a plaintiff,**

relative of a plaintiff or a decision maker for the plaintiff.

- **Collateral Source Reform?** Yes, damages must be reduced by the amount received from collateral sources.
- **Periodic Payments?** Yes, any party can request periodic payments, with the court determining the reasonableness of the request.
- **Joint Liability Reform?** Yes, a defendant who is less than 50 percent at fault is only proportionally responsible for his or her share of negligence. Defendants who are 50 percent or more liable are jointly and severally liable for economic damages only.
- **Limits on Plaintiff Attorney's Fees?** No, but courts can determine whether fees are reasonable.

Medical Malpractice Rates in Iowa

Overview

Medical malpractice rates in Iowa are among the lowest in the country. Specialists like obstetricians can find policies with premiums of well under \$50,000 and general practitioners will usually pay less than \$10,000 per year in premium.

Get Historic Rates

By combining our efforts with those of the Medical Liability Monitor – the nation's leading independent source of Medical Liability Insurance news, as well as the political, legal and risk management issues that affect the healthcare industry – we've published historic rate data for every county in the Hawkeye State. You can view all the rates by completing the three simple steps on the left of this page. You'll find the insights offered by this information invaluable when making your decision on your medical malpractice insurance coverage and carriers. This is only one of the many reasons that Cunningham Group Insurance has become the preferred online source for Iowa physicians, healthcare professionals and medical groups looking to find the best coverage and lower their medical malpractice insurance rates.

Coverage by Iowa County

Rates are the same across the 99 counties of Iowa. Physicians in more urban areas like Des Moines in Polk County or Cedar Rapids in Linn County will pay the same low rates as their rural colleagues.

Resources for Physicians Practicing in Iowa

[Iowa Medical Society](#)

[Iowa Insurance Division](#)

[Iowa Board of Medicine](#)

[Iowa Osteopathic Medical Association](#)

[All MD Iowa Healthcare Defense Attorney Listing](#)

Ready to start saving on your medical malpractice insurance premiums?

Get a free, no-obligation quote from Cunningham Group and get the cost-effective coverage you need!

[Request a Quote](#)

CUNNINGHAM GROUP REASONS WHY IOWA MEDMAL RATES ARE SO LOW--IOWA TORT REFORM

Damage Caps – Yes

Patient Compensation Fund – No

Apology – Yes

Collateral Source – Yes

Periodic Payments – Yes

Joint and Several Liability – Yes

Limitation on Attorney Fees – Yes (approved by the court)

ADDITIONAL IOWA TORT REFORM PROVISIONS PASSED BY IOWA LEGISLATURE

These provisions were passed at the request of and lobbying by the medical profession modifying Iowa tort law for the benefit of the medical profession.

1984 – HF2487

Modification of joint and several liability. Joint and several liability shall not apply to defendants who are found to bear less than 50 percent of total fault.

Peer-review confidentiality clarified in medical malpractice.

Tougher expert-witness standards in medical malpractice.

Speed up requirements of disclosing expert witnesses. Disclosure of experts must be done within 180 days by a plaintiff and 90 days by defense after plaintiff's designation.

Installment judgments provided for.

Frivolous lawsuit and verification of pleading language adopted. Iowa Code §619.19 and Iowa Rules of Civil Procedure.

1997 – HF693

Shortened statute of limitations for minors. Children injured after age 8 must be brought within two years of date of injury.

Defense counsel allowed to meet directly with plaintiff's treating physician.

Joint and several liability between defendants only on economic damages and not for non-economic damages.

2006 – HF2716

I'm sorry legislation – apology adopted, which is inadmissible as evidence.

2015 – SF426

Allows open discussion with patient within 180 days healthcare provider knew of an adverse health incident.

2017 – SF465

For the first time in history of the state, Legislature imposes limits on non-economic damages (pain, suffering and other non-pecuniary damages) to \$250,000. Cap applies unless the jury determines through a substantial or permanent loss or impairment.

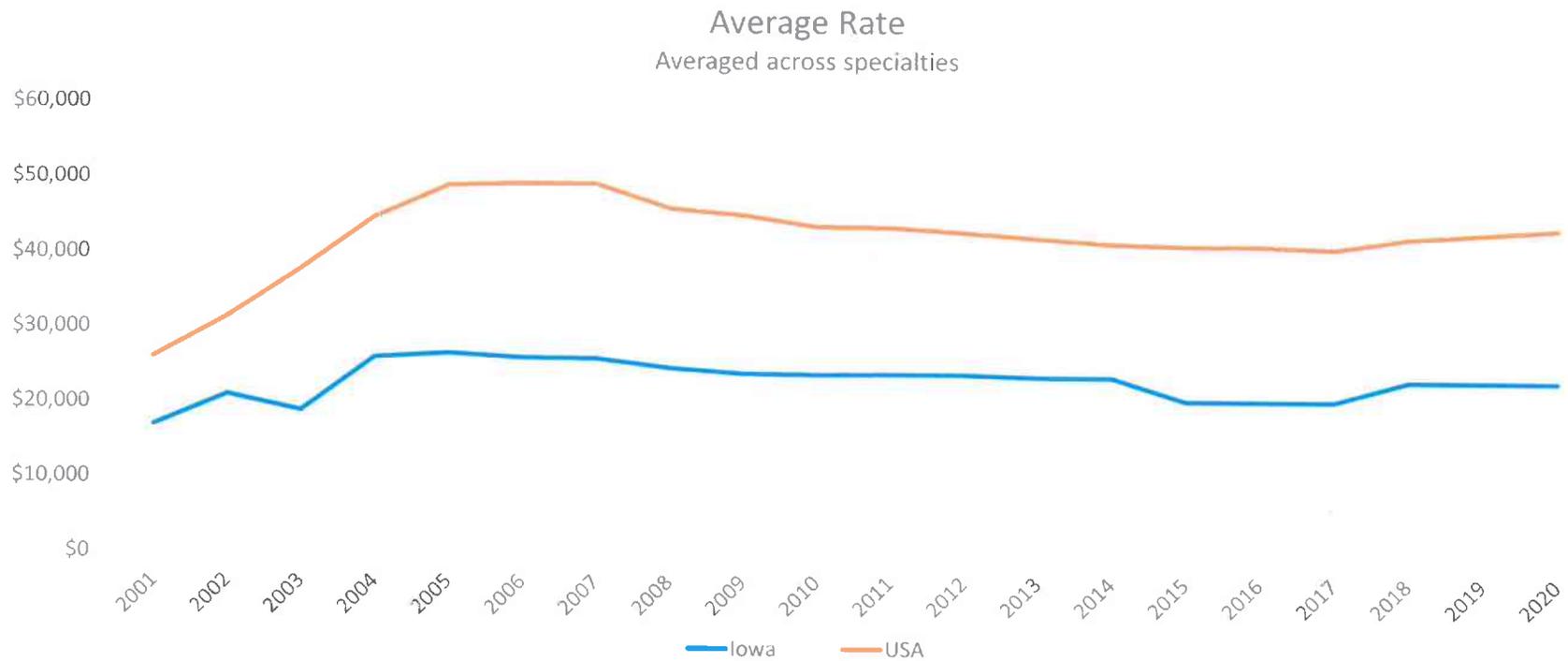
Further restrictions on expert witness testimony.

Implements certificate of merit affidavit prior to commencement of discovery in the case within 60 days of defendant's answer.

2020 – SF2338

COVID-19 immunity limitation on medical expenses and liability protections for healthcare providers treating persons with COVID-19, unless healthcare provider acted recklessly or with willful misconduct.

How Do Med Mal Rates in Iowa Compare to the Rest of the Country?



Derived from data provided by [Medical Liability Monitor](#) (Various Editions)

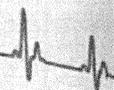
170 medical malpractice filings in 2020.

	Law: Tort Claims	Activity year-to-date		# End pending
		Filed / Reopened	Disposed	End of month
1	P.I. - Med/dental malp	170	126	284
2	P.I. - Motor vehicle	1539	1329	2171
3	P.I. - Premises liability	300	216	428
4	P.I. - Prod liab & toxic	18	16	32
5	P.I. - Other negl/intent.	386	332	614
6	Profess. malp (no PI)	35	20	66
7	Prop/financ dmg (no PI)	214	197	266
7.1	Intentional tort	52	23	48
7.2	Libel/Slander	20	17	17



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Iowa Judicial Branch | State Court Administration
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www.iowacourts.gov

The Iowa Judicial Branch dedicates itself to providing independent and accessible forums for the fair and prompt resolution of disputes, administering justice under law equally to all persons.



SPECIALTY

2019 Rate

2020 Rate

% Change

ILLINOIS (CONTINUED)

(Remainder of State)

Internal Medicine	\$24,150	\$21,000	-15.00%
General Surgery	\$72,450	\$63,000	-15.00%
OB/Gyn	\$110,688	\$96,250	-15.00%

INDIANA (PLEASE SEE SECTION B - PCF STATES)

IOWA

ProAssurance Casualty Co. (ProAssurance Group)

Internal Medicine	\$7,318	\$7,318	0.00%
General Surgery	\$24,959	\$24,959	0.00%
OB/Gyn	\$42,599	\$42,599	0.00%

MMIC Insurance Inc. (Constellation)

Internal Medicine	\$5,953	\$5,953	0.00%
General Surgery	\$17,860	\$17,860	0.00%
OB/Gyn	\$27,285	\$27,285	0.00%

COPIC Insurance Co.

Internal Medicine	\$5,177	\$5,177	0.00%
General Surgery	\$15,989	\$15,989	0.00%
OB/Gyn	\$24,547	\$24,547	0.00%

ProSelect Insurance Co. (Coverys)

Internal Medicine	\$8,935	\$8,935	0.00%
General Surgery	\$25,072	\$25,072	0.00%
OB/Gyn	\$33,978	\$33,978	0.00%

The Doctors Company

Internal Medicine	\$11,638	\$11,638	0.00%
General Surgery	\$45,622	\$45,622	0.00%
OB/Gyn	\$51,120	\$51,120	0.00%

KANSAS (PLEASE SEE SECTION B - PCF STATES)

KENTUCKY

ProSelect Insurance Co. (Coverys)

Internal Medicine	\$10,886	\$10,886	0.00%
General Surgery	\$49,695	\$49,695	0.00%
OB/Gyn	\$92,956	\$92,956	0.00%

Med Mal Data 2009-2019

Year	Total Active Licenses	Premiums			Surplus Lines	Risk Retention Groups	Total	Average per physician
		Iowa Insurance Companies	Non Iowa Insurance Companies	Reciprocal Exchanges				
2009	10375	\$ 7,670,872.00	\$ 55,132,030.00	\$ 451,162.00	\$ 19,731,046.00	\$ 3,204,901.00	\$ 86,190,011.00	\$ 8,307.47
2010	10593	\$ 7,612,112.00	\$ 51,539,382.00	\$ 477,193.00	\$ 22,146,582.00	\$ 3,576,569.00	\$ 85,351,838.00	\$ 8,057.38
2011	10912	\$ 7,002,872.00	\$ 48,012,835.00	\$ 491,762.00	\$ 19,168,931.00	\$ 3,720,293.00	\$ 78,396,693.00	\$ 7,184.45
2012	11134	\$ 6,473,259.00	\$ 47,576,856.00	\$ 375,667.00	\$ 18,981,164.00	\$ 2,989,894.00	\$ 76,396,840.00	\$ 6,861.58
2013	11616	\$ 6,284,512.00	\$ 43,458,694.00	\$ 302,263.00	\$ 17,745,468.00	\$ 2,794,861.00	\$ 70,585,798.00	\$ 6,076.60
2014	11538	\$ 6,116,247.00	\$ 42,476,791.00	\$ 347,586.00	\$ 17,801,172.00	\$ 4,533,999.00	\$ 71,275,795.00	\$ 6,177.48
2015	11971	\$ 6,013,353.00	\$ 42,494,153.00	\$ 435,956.00	\$ 17,258,843.00	\$ 2,943,173.00	\$ 69,145,478.00	\$ 5,776.08
2016	12236	\$ 6,406,991.00	\$ 40,938,252.00	\$ 334,462.00	\$ 18,690,036.00	\$ 3,771,383.00	\$ 70,141,124.00	\$ 5,732.36
2017	12417	\$ 6,737,288.00	\$ 37,917,880.00	\$ 171,595.00	\$ 16,745,068.00	\$ 3,019,832.00	\$ 64,591,663.00	\$ 5,201.87
2018	12747	\$ 6,741,466.00	\$ 36,893,547.00	\$ 207,443.00	\$ 19,121,312.00	\$ 3,365,885.00	\$ 66,329,653.00	\$ 5,203.55
2019	14192	\$ 7,030,381.00	\$ 37,070,249.00	\$ 174,234.00	\$ 20,508,975.00	\$ 5,654,894.00	\$ 70,438,733.00	\$ 4,963.27
Averages	11794	\$ 6,735,395.73	\$ 43,955,515.36	\$ 342,665.73	\$ 18,899,872.45	\$ 3,597,789.45	\$ 73,531,238.73	\$ 6,322.01
Totals		\$ 74,089,353.00	\$ 483,510,669.00	\$ 3,769,323.00	\$ 207,898,597.00	\$ 39,575,684.00	\$ 808,843,626.00	

Year	Claims Paid			Surplus Lines	Risk Retention Groups	Total	Claims as % of Premiums
	Iowa Insurance Companies	Non Iowa Insurance Companies	Reciprocal Exchanges				
2009	\$ 640,992.00	\$ 35,828,791.00	\$ 160,000.00	\$ 4,155,596.00	\$ 177,525.00	\$ 40,962,904.00	47.53%
2010	\$ 171,236.00	\$ 22,576,469.00	\$ 54,493.00	\$ 2,489,188.00	\$ 485,749.00	\$ 25,777,135.00	30.20%
2011	\$ 370,000.00	\$ 12,085,270.00	\$ 500,000.00	\$ 3,609,381.00	\$ 2,403,230.00	\$ 18,967,881.00	24.19%
2012	\$ 1,244,864.00	\$ 15,852,694.00	\$ -	\$ 3,913,560.00	\$ 2,923,857.00	\$ 23,934,975.00	31.33%
2013	\$ 1,705,824.00	\$ 16,305,651.00	\$ -	\$ 3,623,640.00	\$ 141,379.00	\$ 21,776,494.00	30.85%
2014	\$ 256,560.00	\$ 21,742,251.00	\$ 40,000.00	\$ 3,582,138.00	\$ 1,427,344.00	\$ 27,048,293.00	37.95%
2015	\$ 1,179,283.00	\$ 16,549,459.00	\$ -	\$ 4,579,777.00	\$ 789,466.00	\$ 23,097,985.00	33.40%
2016	\$ 2,303,295.00	\$ 13,810,938.00	\$ -	\$ 5,934,495.00	\$ 378,766.00	\$ 22,427,494.00	31.97%
2017	\$ 139,592.00	\$ 27,144,841.00	\$ -	\$ 7,264,909.00	\$ 2,324,001.00	\$ 36,873,343.00	57.09%
2018	\$ 618,466.00	\$ 31,243,890.00	\$ 12,750.00	\$ 7,090,429.00	\$ 4,560,166.00	\$ 43,525,701.00	65.62%
2019	\$ 1,988,388.00	\$ 52,091,703.00	\$ 150,000.00	\$ 8,130,966.00	\$ 1,567,500.00	\$ 63,928,557.00	90.76%
Averages	\$ 965,318.18	\$ 24,111,996.09	\$ 83,385.73	\$ 4,943,098.09	\$ 1,561,725.73	\$ 31,665,523.82	43.72%
Totals	\$ 10,618,500.00	\$ 265,231,957.00	\$ 917,243.00	\$ 54,374,079.00	\$ 17,178,983.00	\$ 348,320,762.00	43.37%

Year	Court Data			Percentage of Verdicts	Claims Paid divided by Med Mal Filed
	Med/Dental Malpractice Cases filed	Med Mal Jury Verdicts	Total Jury Verdicts		
2009	172	26	263	9.89%	\$ 238,156.42
2010	174	20	196	10.20%	\$ 148,144.45
2011	187	22	217	10.14%	\$ 101,432.52
2012	159	19	204	9.31%	\$ 150,534.43
2013	159	16	191	8.38%	\$ 136,959.08
2014	165	24	184	13.04%	\$ 163,929.05
2015	160	16	212	7.55%	\$ 144,362.41
2016	182	14	190	7.37%	\$ 123,227.99
2017	208	19	179	10.61%	\$ 177,275.69
2018	157	18	180	10.00%	\$ 277,233.76
2019	154	x	x		
Averages	171	19.4	201.6	9.62%	\$ 185,573.13
Totals	1877	194	2016	9.62%	

Information from the Iowa Board of Medicine Annual Report
 Information from the Iowa Insurance Division Annual Report to Governor
 Statistics from documents prepared by, State Court Administration, Des Moines, IA

Information Compiled by Carney & Appleby, PLC.

Jim Carney, Doug Struyk, and Jenny Dorman

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Statutory Modifications to Iowa Tort Law 1982 through 2020

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INTRODUCTION

It has been said that the “law lives”. This would be true of not only case law, but statutory law. In 1975-76, I had the opportunity to begin my tenure as legislative counsel for the Iowa State Bar Association (ISBA). It was at that time that Iowa, like many states, was involved in a huge debate regarding medical malpractice. There were statutory modifications made in the mid 70’s which are not covered in the attached summary.

In 1982 the Iowa Supreme Court, in a historic decision (Goetzman), adopted a negligence concept known as “pure comparative fault” and moved away from the long history of “contributory negligence”. The following year in 1983 the Iowa Supreme Court rendered another historic decision (Butler) that held the state could be liable for negligent design in construction of highways. These two Supreme Court decisions set off a continuing waterfall of legislation modifying the Iowa tort law. In each of the past decades there has been some type of liability crisis that has caused the legislature to examine additional modifications. Waves of tort reform have dealt with medical malpractice, product liability, Y2K hysteria, and other crises, almost all of which have been during a downturn in the stock market resulting in reduced investment income for insurance companies.

The attached summary highlights 110 different pieces of legislation covering more than 140 separate revisions to the Iowa tort law. There can be no question that the Iowa legislature has not been responsive to the pressures of tort reformers and business interests which have continually pushed for what has been historically referred to as tort reform and currently referred to as “regulatory reform”. The attached modifications unquestionably are one of the major reasons why the U.S. Chamber of Commerce State Liability Systems Ranking Study has consistently ranked Iowa in the top four states as doing the best job of creating a fair and reasonable litigation environment. The Iowa State Bar Association and its various sections have played an important part in the review of the legislation and the fine-tuning of the legislation while continuing to oppose radical proposals such as caps on recoveries and elimination of the contingency fee.

Despite the ISBA opposition to caps on recoveries, the Legislature in 2017 enacted caps on recoveries for the first time in the history of the State of Iowa. Caps for healthcare providers were set at \$250,000, unless the jury determines there is a substantial or permanent loss, or permanent impairment, or death.

In 2018 the Legislature followed up the medical malpractice caps by passing caps on recoveries, for the second time in the history of the State of Iowa, in dram shop actions. Limitation of \$250,000 in non-economic damages were adopted, but again exceptions to the cap were cases involving death, disfigurement or permanent impairment. These caps were adopted, despite the ISBA’s strong opposition, and there being no objective empirical data that would support the implementation of caps in either medical malpractice or dram shop liability cases.

The attached summary has also, no doubt, played an important role in the reduced number of civil filings and civil jury trials in the state of Iowa, which has been on a downward trend for several years. In particular, there has been an ever-expanding list of immunity provisions which has unquestionably reduced litigation. Over 68 different immunities have been added to the Iowa Code since 1983. In the 2020 Legislative Session, COVID-19 protections to medical providers and manufacturers were the latest additions to the long list of immunities.

We hope this summary is of assistance to you in understanding how responsive the Iowa legislature has been to various calls to moderate the Iowa law, and at the same time, restricting or totally eliminating a citizen's right to seek redress for a harm they have suffered.

Introduction done by Jim Carney

SIGNIFICANT EVENTS AND LEGISLATION RE: IOWA TORT LAW

1982 - Iowa Code - Contributory negligence in effect. If Plaintiff contributes to the cause of his accident, the Plaintiff's recovery is completely barred-no recovery.

1982 - Goetzman - Decision by Supreme Court adopts pure comparative fault. Example: If Plaintiff is 95% at fault and Defendant is only 5% at fault, the Plaintiff can still recover 5% of total damages awarded by jury.

1983 - Butler Court decision stating that State could be liable for negligent design and construction of highways.

1983 - Senate File 531 (an appropriations bill) is passed by the Legislature eliminating cases against state and governmental subdivisions based upon negligent design or construction of highways in response to Butler decision. This bill also applies to all other public facilities. This bill eliminates liability for the state and governmental subdivisions in these types of cases.

1984 - House File 2487 passes the Legislature providing for:

1. Statutory modified comparative fault in Iowa. If the Plaintiff is 51% or more at fault, the Plaintiff is denied any recovery. The Plaintiff can recover only if the Defendant is 50% or more at fault.
2. Modification of joint and several liability. Joint and several liability shall not apply to Defendants who are found to bear less than 50% of the total fault.
3. Comparative fault applies to all cases, including product liability - strict tort liability. Previously comparative fault was applied only in regular negligence cases (automobile accidents) and not to product liability.
4. Eliminates liability for negligent highway sign cases against state and governmental subdivisions. There is no longer liability if the state or governmental subdivision fails to erect a highway sign.
5. Eliminates removal of snow and ice cases against state and governmental subdivisions. State and governmental subdivisions can no longer be liable if they fail to remove snow or ice from highways.

1986 - Senate File 2265 is passed by the Legislature providing:

1. Revision of dram shop liability law. The law is modified to a standard of liability requiring that the bar owner "knew or should have known" he was serving someone who was intoxicated.
2. "Peer review" confidentiality clarified in the medical malpractice area.
3. Tougher expert witness standards in medical malpractice cases adopted.

4. Speeds up the requirement of disclosing expert witnesses. Disclosure of experts in professional liability cases is required by statute. Plaintiffs must designate within 180 days, and Defendant within 90 days of Plaintiff's disclosure.
5. More defenses are provided to manufacturers by the statutory adoption of the state of the art defense in product liability cases.
6. The law of punitive damages is restricted by modifying when punitive damage awards can be awarded.
7. Non-use of safety belt becomes admissible. This allows for the possibility of fault being attributed to a Plaintiff in an automobile accident for the failure to use a seatbelt, which was previously prohibited by statute.
8. Installment judgments allowed by petition to court.
9. Frivolous lawsuit and verification of pleading language is adopted.
10. Municipal employees exempted from claims for punitive damages. This means that a municipal employee cannot be liable for punitive damages.
11. Non-manufacturers-retailers immune from product liability suits. This provides an absolute defense to all retailers and merchants in a product liability suit brought against them if they have not modified the product involved in an accident.

1987 - Senate File 471 is passed by the Legislature providing:

1. No liability for a person performing services for the state government, agency, or subdivision of state government who does not receive compensation. Volunteers cannot be held liable.
2. Provides for the elimination of personal liability of officers and directors of virtually all types of corporation and cooperatives doing business in the state of Iowa, to include nonprofit organizations.
3. A director, officer, employee, or volunteer of a nonprofit organization is not liable for their actions.
4. A volunteer for a municipality, agency of subdivision of a municipality is not liable.

1987 - Senate File 482 is passed by the Legislature providing:

1. Interest on judgments section of the code is modified from 10 percent to floating rate consistent with federal law.
2. Installment judgment provisions upon entry of a judgment is expanded.
3. Subrogation law is modified.

4. Collateral source rule is modified in comparative fault cases to permit court to receive evidence of previous payment for necessary medical care, rehabilitation services, and custodial care.

5. Punitive damages law is once again revised to clarify standard of proof.

1989 - House File 529 is passed by the Legislature providing for an exemption from civil and criminal liability arising from the condition of donated food in certain instances, to include restaurants, food establishments, food service establishments, schools, manufacturers of foodstuffs and other persons who donate food in good faith.

The Legislature enacts Chapter 626B, entitled the "Uniform Foreign Money Judgments Recognition Act".

House File 585 is passed by the legislature establishing a State Emergency Medical Board authorizing the establishment for a surrogate decision maker mechanism for medical care decisions for patients incapable of making their own decisions and grants immunity from liability to those persons.

1990 - House File 2404 provides for farm mediation. Before making a claim in a civil proceeding the mediator must certify that the party making a claim participated in mediation.

Senate File 2296 provides for the Iowa Council for Dispute Resolution to assist and promote the statewide use of non-judicial dispute resolution.

House File 2552 redefines third party liability, property damages and bodily injury under § 455G of the Iowa Comprehensive Petroleum Underground Storage Tank Fund. The bill specifically provides that third party liability does not include any claim, suit or action for personal injury in that a personal injury is not a compensable third party liability under the code chapter.

1991 - Senate File 441 provides that the State Tort Claims Act immunity from liability is extended to activities of the Insurance Commissioner concerning the oversight and administration of workers' compensation self insurance.

Senate File 327 is passed requiring the terms of all settlements, payments, or other dispositions of claims for damages against governmental bodies insured by third party liability insurers, must be filed with that body as public records.

House File 501 establishes Durable Power of Attorney authorizing health care decisions to be made on behalf of individuals and provides that health care providers are immune from civil liability when relying upon health care decisions made by the attorney in fact designated in the Durable Power of Attorney.

1992 -

1993 - House File 645 excludes from civil liability persons who do not exhibit managerial control over a property on which a hazardous environmental condition is located.

House File 200 establishes a volunteer physician program, under which volunteer physicians who register with the Department of Human Services are considered an employee of the State of liability purposes.

1994 - House File 2286 increases the Small Claims jurisdictional limit from \$2,000 to \$3,000 (effective July 1, 1994), and provides for another increase to \$4,000 (on July 1, 1995).

1995 - Senate File 179 adds advance nurse practitioners, licensed practical nurses to EMS personnel who are exempt from liability if they are following physicians' orders at the scene of an emergency. Also adds advance nurse practitioners and registered nurses to the list of persons who are not subject to civil liability solely for not obtaining consent before providing emergency aid.

House File 504 redefines "owner" for purposes of determining liability for damages caused by the driver of a motor vehicle, to mean a person to whom a certificate of title is issued or assigned, or a person to whom the vehicle is leased, thus exempting the lessor from civil liability.

House File 519 provides that if a person receives all required permits for animal feeding operations, a rebuttable presumption arises that the operation is not a public or private nuisance and the operation does not unreasonably and continuously interfere with another person's comfortable use and enjoyment of their life or property. The rebuttable presumption may be overcome by clear and convincing evidence that (1) the operation in reasonably and continuously interferes with another person's comfortable use and enjoyment of their life or property, and (2) the injury or damage is proximately caused by the negligent operation of the feeding operation. Provides that a losing plaintiff must pay costs and expenses incurred in the defense of an action, if the Court determines the claim is frivolous.

1996 - House File 2061 is amended by adding the following new paragraph to Section 147.1, subsection 5:

f. "A health care entity, including but not limited to a group medical practice, that provides health care services and follows a formal peer review process for the purpose of furthering quality health care."

1997 - House File 132 provides domesticated animal professionals, domesticated animal activity sponsors, owners of domesticated animals, and persons exhibiting domesticated animals immunity from civil liability for damages, injury, or death suffered by a participant or spectator, which results from inherent risks of domesticated animal activity.

House File 370 makes specific provisions for work comp to professional athletes limiting exposure. This was known as the "Barnstormer's bill".

House File 514 provides that notwithstanding Chapter 321A, a person shall not drive a motor vehicle registered in the state on the highways unless financial liability coverage is in effect for the motor vehicle or unless they have provided for proof of financial liability.

House File 693 has passed, which makes the following revisions to tort law:

1. Provides that interest on all judgments, except judgments for child support accrues at the treasury bill rate, plus 2%.
2. Provides a 15 year statute of repose for death or injury caused by product defects.
3. Shortens the statute of limitations for minors who are injured by acts of medical malpractice to require children who are injured while under the age of 8, to commence an action no later than their 10th birthday. Children injured after age 8, must bring an action within two (2) years of the date of injury.
4. Makes substantial changes relating to the provision of medical records, including allowing defense counsel to meet directly with a Plaintiff's treating physician or medical provider. Also provides immunity from civil liability to medical providers who respond in good faith to requests for records.
5. Requires the Court to adjust future damages to reflect present value.
6. Allows a Plaintiff's percentage of contributory fault to apply to their spouse's loss of consortium claim, overruling *Swenan v. Abel*.
7. Allows joint and several liability between Defendants only for economic damages, and not for non-economic damages.

Senate File 280 provides immunity from civil liability to employers who provide work related information about a former or current employee to a prospective employer.

1998 - House File 2211 amends the State Tort Claims Act regarding persons who supervise inmates under the terms of the Chapter 28E Agreement, and provides that the State's duty to indemnify and hold harmless an employee does not apply where an employee fails to cooperate in the investigation or defense of a claim. Also provides that a county shall not be liable for medical treatment for injuries incurred by a person before the person is transferred to the custody of the sheriff.

House File 2336 provides that a perpetrator of a crime assumes the risk of and is liable for any loss, injury or death which results from or arises out of the perpetrator's course of criminal conduct. Specifies that a crime victim is not liable for any damages caused by acts of the victim in defending or attempting to defend against the crime if the victim used reasonable force when committing the acts.

House File 2340 expands the volunteer health care provider program to include dentists and obstetrical and gynecological medical providers.

Senate File 2082 provides that persons who tamper with anhydrous ammonia equipment have no cause of action against the owner of the equipment, any person responsible for the installation and maintenance of the equipment, or a person who lawfully sells the anhydrous ammonia for damages arising out of the tampering.

Senate File 2277 grants immunity from liability to municipalities for any claim based upon or arising out of a claim of negligent design or specification or negligent construction or

reconstruction of a public facility designed for purposes of skateboarding or inline skating. Also grants immunity for claims based upon or arising out of an act or omission of an officer or employee of the municipality when the person who is skateboarding or inline skating knew or reasonably should have known that the activity created a substantial risk of injury to the person, and the person was voluntarily in the place of risk.

1999 - House File 164 allows the award of appellate attorney's fees to any party that successfully establishes a violation of the open meetings law, Iowa Code Chapter 21.

House File 387 adopts a new section, 622.10A, that provides that with respect to communications involving tax advice between a taxpayer and a federally authorized tax practitioner, the same protections of confidentiality which apply to a communication between a taxpayer and an attorney also apply to that communication to the extent that the communication would be considered a privileged communication if it were between a taxpayer and an attorney. Makes the confidentiality privilege applicable to non-criminal tax matters before the Iowa Dept. of Revenue & Finance and non-criminal tax proceedings in federal or state court brought by or against the State of Iowa. Provides definitions and excludes from the confidentiality privileged communications in connection with a promotion of participation in a tax shelter.

Senate File 405 grants tort immunity to financial institutions and public utilities for year 2000 problems, by limiting liability to actual damages, providing an affirmative defense of compliance with regulatory requirements, and a reasonable efforts defense. Requires the plaintiff to prove by clear and convincing evidence that the defendant knew or should have known that its acts or omissions would cause harm to the plaintiff in the specific facts and circumstances of the case. Requires apportionment of damages pursuant to chapter 668. **VETOED.**

2000 - Litigation

House File 2473 (Civil and Criminal Immunity for School Employees) grants immunity from civil or criminal liability to employees of a school district, an accredited non-public school, or an area education agency who participate in good faith and acts reasonably in making a report or investigation of threats of violence or other inappropriate inactivity against a school employee or student in a school building, on school grounds or at a school-sponsored function.

House File 2525 (Limitations on Non-Economic Damages) adds a new Code section, 613.20, to generally prohibit, in an action to recover damages arising out of the operation or use of a motor vehicle, a person from recovering non-economic losses including pain and suffering, if the injured person was the operator of a motor vehicle, a passenger in a motor vehicle, or a pedestrian, and the person's injuries were proximately caused by the person's commission of any felony or immediate flight therefrom, and the injured person was convicted of the felony. Provides that the section does not apply if the injured person is found to have no fault in the accident.

Senate File 2313 -(ATVs and Snowmobiles) provides that the owner of all-terrain vehicles or snowmobiles is liable for any injury or damage occasioned by the negligent operation of the

ATV or snowmobile, only if the owner was the operator of the ATV at the time the injury occurred or if the operator had the owner's consent. Various effective dates.

2001 – Senate File 355 creates Iowa Code Chapter 232B, the Newborn Safe Haven Act. Allows a parent to voluntarily release custody of a child who is 14 days old or younger to a hospital or other health care facility, or authorize another person to relinquish physical custody on the parent's behalf. Grants immunity to: the individual who receives the child and the owner of the healthcare facility; a person who helps the parent surrender the child; the parent from provisions regarding the abandonment of a child.

House File 590 provides for the deeming of consent by individuals for AIDS testing, or testing for other contagious or infectious diseases, if a care provider giving assistance to the individual suffers a significant exposure. Grants immunity from civil or criminal liability to a hospital, health care provider, or other participating person for a good faith failure to comply with the notification provision or failure to perform the test authorized under this act.

House File 301 requires rural water districts or rural water associations to establish a rural fire protection program. Provides that a rural water district or association is immune from liability for a claim against the district or association for failure to provide or maintain fire hydrants, facilities, or an adequate supply of water or water pressure for fire protection purposes if the purpose of the hydrant, facility, or water used is not for fire protection. Requires the Legislative Council to provide for a review of the liability exemption no later than July 1, 2006, to assess its effect on the provision of fire protection in areas served by the rural water district or association.

2002 – Senate File 2155 provides for the development and use of out-of-hospital DNR orders. Provides immunity for persons acting in compliance in entering, executing, or otherwise participating in an order.

Senate File 2195 amends provisions of the Uniform Anatomical Gift Act. Contains provisions regarding release of patient information and immunity from civil or criminal liability.

Senate File 2279 makes changes to various provisions in the Iowa Code related to insurance. Adds a new section to Code Chapter 508E, relating to viatical settlement contracts, which provides immunity from liability for any person acting without malice, fraudulent intent, or bad faith who files a report or furnishes information to certain persons concerning alleged acts in violation of the chapter or administrative rules.

House File 2547 adds chiropractors, dental hygienists, and dental assistants to the list of health care providers eligible to participate in the Dept. of Public Health's Volunteer Health Care Provider Program and for which immunity from civil liability applies.

2003 – HF 502 amends Iowa Code Section 321.69 relating to damage disclosure statements required for transfer of ownership of motor vehicles. This Code Section provides that a person, authorized vehicle recycler licensed under Chapter 321H, or motor vehicle dealer licensed under Chapter 322 are not liable to a subsequent owner of a vehicle because a prior owner or lessee 1) gave a false or inaccurate damage disclosure statement; or 2) failed to disclose that the vehicle had previously been damaged and repaired, or had been titled on a salvage or

rebuilt certificate of title unless the person, recycler, or dealer knew or reasonably should have known that the prior owner or lessee gave a false statement or failed to disclose. HF 502 extends this liability limitation to subsequent drivers and passengers in addition to subsequent owners.

HF 557 extends civil liability immunity under the volunteer health care provider program to free health care clinics and to additional health care providers (licensed psychologists, social workers, mental health counselors, and pharmacists).

HF 584 provides an exemption from liability regarding a municipality's negligent design, or negligent construction or reconstruction, of a public facility designed for purposes of bicycling, unicycling, scootering, river rafting, canoeing, or kayaking that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards, or design theories in existence at the time of construction or reconstruction. Provides an exemption from liability for municipalities relating to claims based upon acts or omissions of an officer or employee of the municipality by a person engaged in bicycling, unicycling, scootering, river rafting, canoeing, or kayaking on public property when the person knew or reasonably should have known that these activities created a substantial risk of injury and the person was acting voluntarily. Provides that prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle, or to issue warning of a dangerous condition on the premises.

HF 692 included the following changes in the State's tort law:

PUNITIVE DAMAGES - When seeking punitive damages, a plaintiff must prove by a preponderance of clear and convincing evidence that the defendant's conduct constituted actual malice.

CIVIL CONSPIRACY - Eliminates the civil conspiracy cause of action against a manufacturer or seller unless such a person knowingly and voluntarily entered into an agreement, express or implied, to participate in a common plan with the intent to commit a tortious act upon another.

SUPERSEDEAS BONDS - Authorizes the District Court, upon motion for good cause, to stay all proceedings under the judgment or order being appealed and permits the State or any political subdivision to appeal the judgment to the Iowa Supreme Court without the filing of a supersedeas bond. Amends Iowa Code Section 625A.9 to provide that in the case of an appeal from a money judgment or order, the bond shall not exceed 110% of the amount of the money judgment.

The Legislature Passed HF 692 on 6/4/03 during the Special Session, and the Governor signed the bill with item vetoes. The "punitive damages" and "civil conspiracy" changes were item vetoed out of the bill, and the "supersedeas bond" changes were signed into law.

2004 - HF 2170 provides that an assembler, designer, supplier of specifications, distributor, manufacturer, or seller shall not be subject to liability for failure-to-warn claims in product liability actions for product risks and risk-avoidance measures obvious to or generally known

by foreseeable product users. The bill further provides that when there is a question as to whether the risk or risk-avoidance measure was obvious or generally known, the issue shall be decided by the trier of fact.

HF 2170 also provides that in any action against an assembler, designer, supplier of specifications, distributor, manufacturer, or seller for damages arising from an alleged defect in packaging, warning, or labeling of a product, a product bearing or accompanied by a reasonable and visible warning or instruction that is reasonably safe for use if the warning or instruction is followed shall not be deemed defective or unreasonably dangerous on the basis of failure to warn or instruct. When there is a question as to whether the warning or instruction is reasonable and visible, the issue shall be decided by the trier of fact.

HF 2243 allows the negligence or other fault of the customer, owner, or person possessing or using a liquefied petroleum gas system relating to installation, modification, maintenance, or repair of the system to be admissible evidence if the conduct was a cause in fact of the accident or condition leading to the injuries or damages.

HF 2396 limits recovery of prejudgment interest in any pending or proposed action where an offer to confess judgment is made, but is not accepted, and a subsequent trial results in a judgment that is less than the amount in the offer to confess judgment. In such a case, no prejudgment interest is to be calculated or is recoverable after the date of the offer to confess judgment. **Vetoed.**

HF 2397 amends Code Section 657.1, relating to the definition of nuisance. Provides that an electric utility may assert a defense of comparative fault in an action to abate a nuisance against the utility if the electric utility has complied with engineering and safety standards and if the electric utility has secured all required permits and approvals.

HF 2440 creates the “Noneconomic Damage Awards Against Health Care Providers Act”. Provides that in any action for noneconomic damages for injury or death against a health care provider, whether based in tort, contract, or otherwise, arising out of an act or omission in connection with the provision of health care services, the injured plaintiff shall be entitled to recover noneconomic damages not to exceed \$250,000, except upon a finding of actual malice on the part of the defendant. Defines a “health care provider” as a physician, an advanced registered nurse practitioner, a hospital, and a health care facility as defined in Code Section 135C.1. **Vetoed.**

SF 2177 requires school districts and accredited nonpublic schools to allow a student to possess and self-administer asthma medication if the student’s parent or guardian submits written authorization and provides a written statement from the student’s physician containing the following: (1) name and purpose of the medication; (2) prescribed dosage; and (3) times at which or special circumstances under which the medication is to be administered.

Also, the student’s parent or guardian must be notified in writing and must sign a statement acknowledging that the school district or nonpublic school and its employees are not liable, except for gross negligence, as a result of any injury arising from self-administration of medication. Provides that a school district or nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication or for supervising, monitoring, or interfering with a student’s self-administration of medication.

SF 2230 provides that a person that holds indicia of ownership of property contaminated by a hazardous substance, hazardous waste, or regulated substance, and that satisfies certain ownership-related requirements, is not liable to a third party for any third-party liability arising from such contamination.

Also provides that a person that has acquired property contaminated by a hazardous substance, hazardous waste, or regulated substance is not liable to a third party for any third-party liability arising by reason of such contamination, provided that the person does not knowingly cause or permit a new or additional hazardous substance, hazardous waste, or regulated substance to arise on or from the acquired property that injures a third party or contaminates property owned or leased by a third party, and the person is not a potentially responsible party or affiliated with any potentially responsible party by reason of certain relationships.

Also requires a person that holds indicia of title to property as identified in this bill or a person that has acquired property as identified in this bill to provide reasonable access to the acquired property to any potentially responsible party or to any authorized regulatory authority for the purpose of investigating or evaluating any contamination; planning or preparing a remedial plan for any abatement of the contamination; and for any required remediation.

States that the legislation does not affect the legal responsibility to the State to conduct response actions regarding cleanup of hazardous substances. **Vetoed.**

SF 2306 amends Code Section 625A.9 to provide that if a civil judgment or order appealed from in a civil action is for money, an appeal bond may not exceed 110% of the amount of the money judgment unless the court makes specific findings justifying exceeding such an amount. In doing so, the court must consider certain criteria. Notwithstanding this provision, the legislation further provides that in no case shall an appeal bond exceed \$100 million, regardless of the value of the money judgment. However, the limit shall not apply in cases where the court finds that the defendant intentionally dissipated the defendant's assets outside the ordinary course of business for the purpose of evading payment of the judgment. The legislation takes effect upon enactment and applies to cases pending and filed on or after the effective date.

2006 - HF 2546 provides limited immunity from premises liability to private landowners who allow bow hunting of deer on their property for the purpose of urban deer control, pursuant to a municipal ordinance. Limited immunity from premises liability is currently available to private landowners who allow public use of their land without charge for recreational purposes such as hunting, trapping, horseback riding, fishing, swimming, and similar activities. The bill provides that such a landowner does not owe a duty of care to keep the premises safe for entry or use by such deer hunters, or to give warnings of dangerous conditions, uses, structures, or activities on the premises to such deer hunters. The bill also provides that the deer hunters do not have the status of invitees or licensees. The landowner's liability is not limited for a malicious failure to warn of danger or for injuries that occur when the landowner charges the hunter to go on the land. The bill does not create a duty of care or ground of liability for injury to persons or property. It does not relieve a deer hunter from

any obligation to exercise care in the use of the land and in the deer hunter's activities, or from the legal consequences of the hunter's failure to employ such care.

SF 2318 provides that the emergency medical care requirements for training and certification of and exemptions from liability for emergency medical care providers do not apply to a registered member of the national ski patrol system, an industrial safety officer, a lifeguard, or a person employed or volunteering in a similar capacity when the person provides on-site emergency medical care at a facility solely to the patrons or employees of that facility, provided that the person: 1) provides emergency medical care only within the scope of the person's training and certification, and 2) provided the person does not claim to be a certified emergency medical care provider. The bill also provides that the emergency medical care provisions do not apply to the national ski patrol system or any similar system in which the system provides on-site emergency medical care at a facility solely to the patrons or employees of that facility provided that: 1) the system does not provide transportation to a hospital or other medical facility, and 2) the system does not use any term to indicate or imply authorization to transport patients without having obtained proper authorization to transport patients under the subchapter.

HF 2716 provides that in any civil action for professional negligence, personal injury, or wrongful death, or in any arbitration proceeding relating to such a civil action against: 1) a person in a profession represented by the examining boards listed in Code section 272C.1 and any other licensed profession in this state; 2) a licensed hospital; or 3) a licensed health care facility, any statement, affirmation, gesture, or conduct expressing sorrow, sympathy, commiseration, condolence, compassion, or a general sense of benevolence that was made by the person to the plaintiff, relative of the plaintiff, or decision maker for the plaintiff that relates to the discomfort, pain, suffering, injury, or death of the plaintiff as a result of an alleged breach of the standard of care is inadmissible as evidence. Any response by the plaintiff, relative of the plaintiff, or decision maker for the plaintiff is similarly inadmissible as evidence. The legislation creates the "Iowa Health Care Collaborative" and authorizes the Collaborative to collect information and make morbidity and error reports. New Code Section 505.27 requires insurers providing medical malpractice insurance coverage to Iowa health care providers to file annually with the Insurance Commissioner a report of all medical malpractice insurance claims, both open and closed claims filed during the reporting period, against any Iowa insureds during the preceding calendar year. The Insurance Commissioner is required to make an aggregate report of the information, without including information that could identify the insurer

2007 - SF 509 Revised Uniform Anatomical Gift Act. Revises the Uniform Anatomical Gift Act, Code Chapter 142C. Section 142C.11(1) provides immunity from liability in any civil action, criminal prosecution, or administrative proceeding for persons who comply with this chapter in good faith or with the applicable anatomical gift law of another state, or who attempts in good faith to comply. Section 142C.11(2) provides that an individual who makes an anatomical gift pursuant to Code Chapter 142C and the individual's estate are not liable for any injury or damages that may result from the making or the use of the anatomical gift, if the gift is made in good faith.

SF 593 Court Procedures Bill/Peace Officer Liability. Amends Code section 664A.6 (Mandatory Arrest for Violation of No-Contact Order") to provide that a peace officer shall not be held civilly or criminally liable for acting pursuant to this section if the peace officer

acts in good faith and on reasonable grounds, and the peace officer's acts do not constitute a willful or wanton disregard for the rights or safety of another.

2008 - SF 505 Civil Liability & Automated External Defibrillator. Lists persons or entities, while acting reasonably and in good faith, who render emergency care or assistance relating to the preparation for and response to a sudden cardiac arrest emergency who are not liable for civil damages for acts or omissions arising out of the use of an automated external defibrillator, whether occurring at the place of an emergency or accident, while persons are in transit, or while persons are at or being moved to or from an emergency shelter.

HF 2581 Donation of Food to Department of Natural Resources or County Conservation Boards- Liability Iowa Code Section 672.1, Subsection 2, gives immunity from criminal or civil liability to persons who, in good faith, donate food to a charitable or nonprofit organization for free distribution to the needy if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. HF 2581 extends the same liability protection to persons who donate food to the Department of Natural Resources or a county conservation board for use in a free interpretive educational program. The immunity provided by this subsection does not extend to a donor if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

SF 2428 Collection of Delinquent Debt Owed the State and Political Subdivisions. Provides that a claimant agency or licensees under Code Chapter 99D (pari-mutuel wagering) and Code Chapter 99F (gambling boats, structures, and racetracks), acting in good faith, shall not be liable for actions taken to comply with the Act.

2009 - SF 207 Iowa Finance Authority- Immunity for Board Members. Among other provisions, SF 207 provides that members of the authority, or persons acting on behalf of the authority while acting within the scope of their agency or employment, are not subject to personal liability resulting from carrying out the powers and duties in Code Chapter 16.

SF 280 Disaster Emergency Assistance Immunity Amends Code Section 613.17 concerning immunity for emergency assistance in an accident. Provides that, during a disaster or in the period of time immediately following a disaster for which the Governor has issued a proclamation of disaster emergency pursuant to Code Section 29C.6, a person who in good faith renders emergency care or assistance without compensation is not be liable for any civil damages for acts or omissions occurring during the rendering of the emergency assistance at the place of the disaster emergency or while the person is in transit to or from the emergency or while the person is being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct.

SF 377 Prescription Drug Donation Repository Program/ Immunity Provisions. Provides that in addition to pharmacies and medical facilities that participate in the prescription drug donation repository (Code Chapter 135M), the Department of Public Health may also receive prescription drugs or supplies directly from the prescription drug donation repository contractor and may distribute the prescription drugs and supplies through persons licensed to dispense to eligible individuals pursuant to the program. The Department may receive and distribute such prescription drugs and supplies during or in preparation for a proclaimed

state of disaster emergency or a public health disaster. SF 377 provides immunity from civil and criminal liability for the Department, or the Department's employees, agents or volunteers acting reasonably and in good faith under the program. The bill also exempts the Department and its employees, agents, or volunteers from disciplinary action related to the person's acts or omissions with regard to the donation, acceptance, distribution, or dispensing of a donated prescription drug.

2011 - SF 123 Civil Liability Immunity For Board of Educational Examiners' Members/Employees. Provides that a person shall not be civilly liable for their acts, omissions, or decisions as a member, employee, or agent of the Board of Educational Examiners if such actions are reasonable and in good faith. Provides that a person shall not be civilly liable, as long as they do not act with malice, for filing a report or complaint with the board or disclosing to the board various forms of information. Provides that a person shall not be dismissed from employment or discriminated against by an employer for their involvement with the board. Provides that an employer who violates the terms of the legislation shall be liable to the aggrieved person for actual and punitive damages plus reasonable attorney fees.

SF 531 Motor Fuels- Retail Dealers' Limitation on Liability. Division II of SF 531 provides that a retail dealer regulated under Code Chapter 214A is not liable for damages caused to a motor by the use of an incompatible motor fuel dispensed at the retail dealer's retail motor fuel site if the following conditions are met: (1) the motor fuel complies with legal specifications, (2) the retail dealer, including an employee or agent of the retail dealer, did not select the incompatible motor fuel, and (3) the dispensing pump is correctly labeled.

2012 - No Tort Legislation this year.

2013 - HF 649 Landholder Liability for Public Recreational Use of Private Lands & Waters. HF 649 responds to the recent Iowa Supreme Court decision in *Sallee v. Stewart*, (No. 11-0892) (Iowa 2013). Amends Code Chapter 461C, "Public Use of Private Lands and Waters", to apply Chapter 461C to "holders" of land (including tenants and others in control), not just landowners. Amends the definitions of "land", "recreational purpose", and "urban deer control" and includes immunity from liability for landholders with respect to specified activities. HF 649 expands the types of private land and waters that are included in such limitations of liability and provides that such land does not have to be open to the general public to be subject to the protections of Code Chapter 461C. Also defines "land" to include private land within a municipality used for urban deer control. Defines activities that constitute a "recreational purpose" to include educational activities and provides that "recreational purpose" includes a person's activity in accompanying another person who is engaged in a recreational purpose. "Recreational purpose" and "urban deer control" are not limited to active engagement in such activities, but also include entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activities. HF 649 also provides that a holder of land "does not owe a duty of care to others solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by others on the holder's land".

2014 -- HF 2397 Liability Protection for Volunteers on State Lands. Requires the Department of Natural Resources to establish a state lands volunteer program to authorize nonprofit organizations to provide volunteer services for the benefit of state lands. Provides that nonprofit organizations, and individuals providing services on behalf of the nonprofit

organizations, authorized to provide volunteer services for no compensation shall be afforded the liability protections of a state volunteer under the state tort claims Act. Signed by the Governor 3/26/14. Effective 7/1/14.

SF 2255 Iowa Tort Claims Act & Architects and Engineers. Designates registered architects and licensed professional engineers as employees of the state for specified disaster-related activities under the Iowa Tort Claims Act contained in Code Chapter 669. Provides that registered architects and licensed professional engineers shall be considered employees of the state when voluntarily and without compensation they provide initial structural or building systems inspection services for the purposes of determining human occupancy at the scene of a disaster. To be considered an employee of the state, the architect or engineer must act at the request and under the direction of the Commissioner of Public Safety and in coordination with the local emergency management commission. "Compensation" does not include reimbursement for expenses. Signed by the Governor 3/26/14. Effective 7/1/14.

HF 398 Insurance Producer Duties. Deems that an insurance producer has no duty to provide advice unless the producer claims to be a counselor or consultant and receives additional compensation. States that an insurance producer owes duties only to the policy owner, a person who has executed written instruments to become a policyholder, a person in privity of contract with the producer and the principal in an agency relationship with the producer. Defines policy owner as a person who is the legal owner or otherwise has legal title through a valid assignment properly recorded but not a person with only beneficial interest in the policy. Notwithstanding the holdings in *Pitts v. Farm Bureau Life Ins Co*, 818 NW 2d 91 (Iowa 2012) and *St. Malachy Roman Catholic Congregation v. Ingram*, 841 NW 2d 2 (Iowa 2013). The House PASSED the bill 51-44; the Senate PASSED the bill 26-21. Signed by the Governor 5/23/14.

2015 --HF 496--Military Victim Advocate Privilege. With the exception of certain circumstances, HF 496 provides that a military victim advocate is privileged from examination and is not required to give evidence in civil or criminal proceedings relating to confidential communications between a victim and the military victim advocate provided that the victim advocate has completed a military victim advocate course. For purposes of this legislation, "victim" is defined as "a person who consults a military victim advocate for the purpose of securing advice, advocacy, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual crime committed against the person". Signed by the Governor 4/8/15. Effective 7/1/15.

HF 570--Municipal Tort Liability Exemption. Provides that the current municipal tort liability exemption for claims related to the negligent design, specification, construction, or reconstruction of a public facility designed for specific recreational activities be extended to public facilities designed for any recreational activity. Extends the municipal tort liability exemption from injuries a person suffers while participating in one of the recreational activities enumerated in the current statute to injuries a person suffers while participating in any recreational activity, provided that the injury results from the normal and expected risks inherent in the recreational activity. Signed by the Governor 4/1/15. Effective 7/1/15.

SF 426--Privileged Communications Between a Health Care Provider/Health Facility and Patient Following an Adverse Health Care Incident. Allows a health care provider, or a health care provider jointly with a health facility, to engage in an open, confidential discussion with

a patient related to an adverse health care incident. Defines “adverse health care incident” as an objective and definable outcome of patient care that results in the death or serious physical injury of a patient. Defines “health care provider” as a licensed physician, licensed physician assistant, licensed podiatrist, or a licensed advanced registered nurse practitioner. Defines “patient” as a person who receives medical care from a health care provider, or if the person is a minor, deceased, or incapacitated, the person’s legal representative. Defines “health facility” as an institutional health facility as defined in Code section 135.61, licensed hospice, home health agency, certified assisted living program, clinic, or community health center, and includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of such facilities.

If an adverse health care incident occurs, the bill allows a health care provider, or a health care provider jointly with a health facility, to offer to engage in an open discussion with the patient. The notice of an offer to engage in an open discussion must be sent to the patient within 180 days after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. If the patient agrees to proceed with an open discussion, the health care provider or health facility may investigate the adverse health care incident, disclose the results to the patient, and discuss steps the health care provider or health facility will take to prevent similar adverse health care incidents. The health care provider or health facility may also communicate to the patient that either the health care provider or health facility has determined that an offer of compensation is not warranted or that an offer of compensation is warranted. An offer of compensation may be conditioned upon the patient executing a release of future liability as to the adverse health care incident. All communications made under the Code Chapter are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding. Provides that a payment made under the Code Chapter is not a written claim or demand for payment, a claim that must be submitted to a licensing board under Code Section 272C.9, or a medical malpractice insurance claim that must be reported to the Commissioner of Insurance under Code Section 505.27. Signed by the Governor 4/14/15. Effective 7/1/15.

SF 462--Maintenance/ Administration of Epinephrine in Schools and Other Facilities. Permits the school district Boards of Directors and authorities in charge of an accredited nonpublic school to maintain in a secure location at each school a supply of epinephrine auto-injectors for use as provided in the bill. Permits a licensed health care professional to prescribe epinephrine auto-injectors in the name of a school district or accredited nonpublic school to be maintained for use. Allows personnel authorized to administer epinephrine to provide or administer an epinephrine auto-injector from a school’s supply to a student or other individual if such personnel reasonably and in good faith believe the student or other individual is having an anaphylactic reaction. Provides immunity from legal liability for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector for the following persons, provided they have acted reasonably and in good faith: 1) Any personnel authorized to administer epinephrine who provide, administer, or assist in the administration of an epinephrine auto-injector to a student or other individual present at the school who such personnel believe to be having an anaphylactic reaction; 2) A school district or accredited nonpublic school employing the personnel; 3) The school district Board of Directors or authorities in charge of the accredited nonpublic school; 4) The prescriber of the epinephrine auto-injector. SF 462 additionally permits a food establishment, carnival, recreational camp, youth sports facility, or a sports area to maintain

a supply of epinephrine auto-injectors at locations where members of the public may be present, with the same duties, powers, and immunities. Permits a student with a written statement from a licensed health care professional on file to possess and use an epinephrine auto-injector while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. Requires a school district or nonpublic school to notify a student's parent or guardian before withdrawing the privilege to use an epinephrine auto-injector. Signed by the Governor 4/24/15. Effective 7/1/15.

2016 SF 2218--Administration of Emergency Drugs. Adds a new section to Iowa Code Section 135.190, which permits emergency medical service programs, law enforcement, registered nurses, and the fire department to obtain and maintain a supply of opioid antagonists. It further permits first responders and other individuals in a position to assist, to possess these opioid antagonists for the purposes of administering them to an overdose victim provided that the individual assisting has a good faith belief that the individual is experiencing an opioid-related overdose. It further directs the department of public health to implement and administer the bill including standards and procedures for prescription, distribution, storage, and replacement as well as administration of opioid antagonists and further directs that the department of public safety implement training procedures for first responders in the administration of opioid antagonists. The bill also provides immunity for those individuals who assist with administration of opioid antagonists, stating that an individual in a position to assist who has acted reasonably and in good faith shall not be liable for any injury arising from his or her administration or assistance with administration of the opioid antagonists. Signed on 4/6/16. Effective Date 7/1/16.

2017 SF 465 Medical Malpractice Claims. For the first time in the history of the state, the Legislature has imposed limits on non-economic damages (pain, suffering and other non-pecuniary damages) for personal injury or death against a health care provider to \$250,000. The cap applies unless the jury determines that there is a substantial or permanent loss or permanent impairment of a bodily function, substantial disfigurement, or death.

Experts: The bill further restricts testimony by experts who will testify as to the appropriate standard of care or breach of care to experts in the same or substantially same field, in good standing in each state of licensure, and in the five years preceding the act or omission has not had a license in any state revoked or suspended. The expert must have practiced in the same or similar field or have been a qualified instructor at an accredited university five years prior to the act. If the defendant is board certified, the expert must be board certified in the same or substantially similar specialty.

Certificate of Merit: Prior to commencement of discovery in the case, and within 60 days of the defendant's answer, the plaintiff must serve the defendant with a certificate of merit signed by the expert and certify that: (1) the expert has familiarity with the applicable standard of care; (2) that the standard of care was breached; (3) a separate certificate of merit shall be served on each defendant; (4) failure to comply with this section shall result upon motion and dismissal with prejudice.

Applicability: The act applies to causes of action which accrue after the effective date of the act. Signed on 4/6/16. Effective Date 7/1/16.

SF 413 Statute of Repose or Improvements to Real Property. Iowa Code §614.1(11). This reduced the statute of repose in residential construction to ten years and other non-residential construction to eight years. Nuclear power plants or interstate pipelines remain at 15 years. There are exceptions to reduce time periods for: (1) intentional misconduct; (2) fraudulent concealment; (3) discovery rule - one additional year possible. Signed 4/13/17. Effective Date 7/1/17.

HF 517 Justifiable Use of Reasonable and Deadly Force. The bill provides immunity for a person who is justified in using reasonable force against an aggressor in the defense of oneself, another person or property and is immune from criminal or civil liability for all damages incurred by the aggressor. The bill specifically provides that a person who injures or causes death of the aggressor through the application of reasonable force shall not be held civilly liable for such injury or death. Signed and Effective on 4/13/17.

HF 518 Worker's Compensation. Rewrites a major portion of the worker's compensation statute making major modifications. Major changes include (1) modification of Sec. 85.23 regarding 90-day notice of injury and defining the date of injury as when employee knew or should have known that the injury was work-related; (2) Sec. 85.33 allows suspension of benefits if a return to suitable work has been offered and refused; (3) Sec. 85.34 relates to modifying permanent disability compensation by removing the date of return to work and changes shoulder injuries to a scheduled injury with a maximum value of 400 weeks based upon the functional impairment rating as determined by a doctor; (4) Sec. 85.35 modifies the rights of both parties to independent medical examinations and provides that an injured worker can only obtain reimbursement for the cost of an independent evaluation if the worker proves the employer should be liable for the injury; (5) Sec. 535.3 modifies the interest rate for past-due benefits from a flat 10 percent to a variable rate based upon the Treasury Maturity Rate plus 2 percent. Changes compensation for "body as a whole" injuries resulting in permanent partial disability so that compensation is paid during the number of weeks in relation to 500 weeks as the reduction in the employee's earning capacity caused by the disability bears in relation to the earning capacity that the employee had at the time the injury occurred. Creates a presumption of intoxication if a worker tests positive for any amount of drugs or alcohol at the time of injury, and creates a presumption that the intoxication was a substantial factor in causing the injury. Limits when a temporarily disabled worker can raise an objection to offered work based suitability and requires that any objection made be in writing. Signed 3/30/17. Effective Date 7/1/17.

SF 447 Agricultural Operations and Nuisance (CAFO bill). Limits the liability of industrial livestock facilities if they destroy the property value, lives or health of residents around them. Changes the standard of proof from preponderance to clear and convincing evidence. The bill makes the bringing of an ag nuisance case extremely risky for average citizens. This is a major change in nuisance actions. Signed and Effective on 3/29/17.

SF 333 Revised Uniform Fiduciary Access to Digital Assets (RUFADA). The bill relates to the ability of appointed fiduciaries to access, delete, preserve and pass along a person's digital assets. It provides immunities from liability for data companies (custodian and the custodian's officers, employees and agents) for acts done in good faith and in compliance with the Act. Signed 4/20/17. Effective Date 7/1/17.

SF 362 Claims Against Fairs. Bars fair participants or spectators from bringing claims against the fair for injuries or death caused by domesticated animal pathogen transmissions unless the participant or spectator can demonstrate that the fair failed to comply with posting requirements required under the bill. This is another immunity provision. Signed 4/20/17. Effective Date 7/1/17.

SF 376 Asbestos or Silica Exposure. Makes major modifications in the liability of businesses that have manufactured asbestos or silica and restricts claims. Signed 3/23/17. Effective Date 7/1/17.

SF 260 - Liability of possessors and occupants of land to trespassers. The bill provides that a possessor of any fee, reversionary, or easement interest in real property, including but not limited to an owner, lessee, or other lawful occupant, owes no duty of care to a trespasser except to refrain from willfully or wantonly injuring the trespasser and to use reasonable care to avoid injuring the trespasser after that trespasser's presence becomes known.

SF 404 - Experimental Treatments. This chapter shall not create a private cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

2018 SF 2135 - Mitigation of Damages for Failure to Wear Seat Belt. Increases the amount that damages can be reduced in litigation where the defense claims that failure to wear a seat belt contributed to injuries from 5% to 25% This modifies legislation passed in 1986 establishes the 5% limitation. Signed on 3/15/18. Effective 7/1/18.

HF 2442 - Concussion Bill. Makes legislative findings and requires the DPH and the HS associations to work together to develop training materials on concussions/BI. Requires coaches and referees to complete such training every two years. Requires the extracurricular contest officials to have registered with the high school associations. Requires the development of information sheets for parents and guardians. Requires a student to be removed from an extracurricular contest if the student shows any sign of brain injury. Requires the development of return to play/return to learn protocols. Includes provisions on required protective gear. **Liability:** Adds liability protections for schools that have a licensed health care provider at contests and follows the protocols for the health care provider. Signed 4/26/18. Effective 7/1/18.

HF 2236 - Division of Insurance Matters. A bill for an act relating to service of process made on the commissioner of insurance as the agent or attorney for service of process for regulated individuals and entities and resolving inconsistencies. Allows the Insurance Commissioner to adopt rules for service on the Insurance Commissioner as the agent or attorney for a regulated entity or individual. Signed 3/21/18. Effective 7/1/18.

HF 2238 - Restitution for Insurance Fraud. Defines pecuniary damages to insurers as payments on an insurance claim and allows payments for such claims under criminal restitution provisions for insurance fraud. Signed 3/21/18. Effective 7/1/18.

HF 2371 - Municipality Honeybee Immunity. A bill for an act exempting the state and municipalities from liability for claims involving honeybees on public property. Establishes an exemption from liability under the Municipal Torts Act for honeybee hives that are constructed on city property, so long as the municipality and beehive owner acted reasonably and in good faith. Any municipal entity that acted unreasonably or not in good faith is still subject to liability. Signed 4/17/18. Effective 7/1/18.

HF 2501 - Health and Human Services Appropriations. The legislation prohibits civil actions or awards for damages based on wrongful birth or wrongful life claims. The prohibitions apply to any claim regardless of whether the child is born healthy or with a birth defect or disorder or other adverse medical condition. However, the prohibition does not apply to a civil action for damages for an intentional or grossly negligent act or omission, including any act that constitutes a public offense. This legislation overturns the Iowa Supreme Court decision in *Plowman v. Fort Madison Hospital*. (See *Plowman v Fort Madison Community Hospital*, No. 22 15-0974 (June 2, 2017) from the Iowa Supreme Court.)

HF 2502 - Standings Appropriations. Section 46 adds new language on expert witnesses in podiatry cases: Sec. 46. Section 147.139, subsections 3 and 4, Code 2018, are amended to read as follows: "3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, or the American osteopathic association, or the council on podiatric medical education. a. If the defendant is a licensed physician or osteopathic physician under chapter 148, the person is a physician or osteopathic physician licensed in this state or another state. b. If the defendant is a licensed podiatric physician under chapter 149, the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state." **Section 51** clarifies language in the dram shop bill to make sure the cap does not apply to other causes of action. Sec. 51. Section 123.92, subsection 1, paragraph a, Code 2018, as amended by 2018 Iowa Acts, Senate File 2169, section 1, is amended to read as follows: ~~Any~~ Subject to the limitation amount specified in paragraph "c", if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly, ~~up to the amount specified in paragraph "c",~~ against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service. **Section 52** adds requirement that the Alcoholic Beverages Division biennially conduct and evaluation on minimum coverage requirements on dram shop.

SF 2169 - Dram-Shop Reform. A bill for an act limiting liability of an alcoholic beverage licensee or permittee for certain alcohol related injuries. Limits the liability for certain alcohol-related accidents for some license holders (dram shop act). Changes the limit from an innocent victim to a 3rd party who is not the intoxicated person. Limits the damages to \$250,000 in non-economic damages but gives juries the right to award more under specified circumstances (death, serious disfigurement, or a substantial/permanent impairment that

requires a higher award). This limitation is similar to the medical malpractice limitations passed in 2017. Requires biennial studies by the Insurance Commissioner on dram shop liability issues. Signed 4/10/18. Effective 7/1/18.

2019 - SF 570 - Architect Emergency Immunity. This act establishes immunity provisions for licensed architects and professional engineers who perform inspections and other related services at the request of government officials during a declared state of emergency. However, this liability shield from civil damages does not apply if their actions constitute reckless or willful and wanton misconduct. Deems that accepting reimbursement for expenses to not disqualify the architect/engineer. Signed and Effective 5/10/19.

HF 650 - Negligent Hiring. This act relates to the liability of private employers, general contractors, and premises owners for negligently hiring or failing to supervise employees, agents, or independent contractors convicted of a public offense. This act specifies that the tort of negligent hiring/supervision cannot be solely brought due to a prior conviction of an employee of a public offense. The crimes of dependent adult abuse, domestic assaults and other felony assaults are excluded from this act. In addition, it requires the employer or contractor have knowledge of the offense and that the offense was committed while the employee was performing duties similar to the duties for which the employee was hired, including situations where the original offense was fraud and the employee has a fiduciary responsibility. This chapter does not apply to employment of prisoners in prison, nor does it create a cause of action or expand an existing cause of action. Signed 4/17/19. Effective 7/1/19.

SF 377 - Municipal Emergency Tort Act. This act extends immunity from tort liability to certain nonprofit corporations providing emergency response services Municipal Tort Act: Specifically, it extends municipal immunity from torts for various emergency actions, except where specifically authorized by statute, to a non-profit with a contract to provide fire safety and prevention or EMS with political subdivisions of this state. Signed 5/17/19. Effective 7/1/19.

SF 502 - Protecting Employee Complaints/Whistle-blower Protections. This act allows employees of political subdivisions in Iowa to report complaints to the Office of the Ombudsman without fear of reprisal. More specifically, this act authorizes public employees to disclose information to the human resources division and seek injunctive relief to enforce Code provisions against reprisals against employees. Additionally, this law requires that each political subdivision provide procedures for notifying and informing their public employees of the power of the Ombudsman to investigate complaints and be given the toll-free number of the Ombudsman. This act limits civil damages to three times the person's annual wage and benefits. Requires that employee disclosures be done in good faith for this law to apply to them. Signed 5/10/19. Effective 7/1/19.

SF 507 - Injuries from Falls. This act relates to the definition of personal injuries arising out of and in the course of the employment for the purposes of compensable acts for workers' compensation. Specifically, this act deems that personal injuries from falls onto a level surface from the same level that are unexplained or from idiopathic causes do not arise from employment and are not covered under Worker's Compensation policies. Signed

4/23/19. Effective 7/1/19.

2020 - SF 2259 - Safety Equipment Donation Immunity. This legislation relates to the liability arising from the donation of equipment by a municipality, fire department, emergency medical services provider or law enforcement agency. Specifically, the law provides liability protections to fire departments, EMS agencies and law enforcement agencies who in good faith donate used equipment to another organization. Signed 6/1/20. Effective 7/1/20.

SF 2337 - Asbestos Claims. This legislation relates to civil actions involving asbestos and silica. The legislation requires asbestos/silica plaintiffs to cite specific evidence that forms the basis of the claim against each defendant. Additionally, this bill stipulates what information and protocols that must be provided on worksites, including contacting the additional people exposed and the products to which the worker was exposed and the sellers. Finally, the legislation stipulates that complaints be dismissed, without prejudice, due to the failure of a complaint to meet these requirements. Includes other related provisions.

SF 2338 - Covid-19 Immunity/ Medical Expenses Evidence. This legislation relates to civil actions, including coverable damages for medical expenses, evidence offered to prove past medical expenses, and civil actions related to the novel coronavirus.

- **Medical Expenses:** This legislation contains language regarding the use of medical expenses in evidence and recoverable damages for medical expense in civil cases. Specifically, the bill limits the use of medical expense evidence to the amount of money billed and paid to the provider, the amount of money not covered by insurance, and the amount of money still owed. Additionally, the legislation stipulates that parties do not have a duty to seek a reduction in billed costs.
- **Covid-19 Liability Shield:** This legislation was a direct result of legislative concerns for property owners, businesses, and employers in the wake of the covid-19 pandemic.
- **Cause of Action:** Defines the minimum medical condition for a cause of action as a COVID-19 diagnosis that requires in-patient hospitalization or death. This definition excludes doctor visits and all other medical including emergency room visits.
- **Safe Harbor Provision:** Extends safe harbor protections from liability for employers who comply substantially with public health rules or statutes, as well as for manufacturers of PPE, except for reckless or malicious acts done with actual knowledge of defects.
- **Premise Liability Shield:** This law establishes a premise liability protection for Covid-19 related injuries. Specifically, persons in control of a premises – “shall not be liable for civil damages for any injuries unless one of the following applies: recklessly disregards risk; exposes persons with actual malice; or exposes with intention to infect.
- **Healthcare Provider Liability Protection:** Includes liability protections for health care providers treating persons with COVID-19 and for other health care matters related to the pandemic unless the healthcare provider acted recklessly or with willful misconduct. Signed and Effective 6/18/20. Retroactive 1/1/20.

SF 2360 - Addressing Classroom Behavior/School Immunity. School Immunity: This legislation grants immunity from civil liability for a school district and the board of directors, and for non-public schools, for physical contact between a student and school employee that is covered by immunity provisions for the school employee. Finally this bill prohibits a school employer and the board of educational examiners from retaliating against an employee who in the reasonable course of the employee's employment responsibilities comes into physical contact with a student. Signed 6/29/20. Effective 6/1/2021.

SF 2296 - Independent Truckers. This legislation defines the owner-operator of a vehicle as an independent contractor when the owner-operator meets certain conditions for owning the vehicle and uses that definition for current exclusions from worker's comp and employer liability insurance, wage payment and minimum wage and other matters. The ISBA registered undecided on the legislation. Signed 6/18/20. Effective 7/1/20.

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Updated: August 2020

Bill Numl Title	Last Action	Position
HF164 A bill for an act relating to the inclusion of the value of child restraint systems in the partial loss calculation for specified insurance settlements of first-party automobile partial losses and	Subcommittee recommends passage. Vote Total: 3-0	
HF167 A bill for an act relating to seizure disorders and establishing certain requirements for school districts, accredited nonpublic schools, and the	recommends passage. Vote Total: 2-0	
HF172 A bill for an act relating to the proper parties in an action, and providing penalties.	Introduced, referred to Judiciary. H.J. 183.	
HF173 A bill for an act relating to the application of foreign laws and constitutional rights and	Introduced, referred to Judiciary. H.J. 183.	
HF258 A bill for an act relating to the financial exploitation of designated eligible adults, and making an appropriation.(Formerly HSB 113.)	Subcommittee: Deyoe, Hall and Latham. H.J. 255.	Monitor
HF273 A bill for an act providing for an exemption from tort liability arising from winter recreational activities on commercial property.	Subcommittee: Lohse, Meyer, B. and Salmon. H.J. 438.	
HF303 A bill for an act relating to confidential communications between a peer support group counselor and specified individuals.(Formerly HF	Introduced, placed on calendar. H.J. 243.	
HF304 A bill for an act relating to personal delivery devices, providing penalties, and making penalties applicable. (Formerly HSB 25.)	Subcommittee: Brown, Lykam, and Williams. S.J. 313.	
HF341 A bill for an act relating to the statute of limitations for recovery from injuries sustained	Introduced, referred to Judiciary. H.J. 276.	
HF350 A bill for an act relating to automobile insurance required for transportation network company drivers.	Nordman, McConkey and Westrich. H.J. 320.	
HF449 A bill for an act extending the limitation of certain criminal actions committed on or with	Introduced, referred to Judiciary. H.J. 327.	
HF456 A bill for an act creating a special motion for expedited relief in actions involving the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and	Read first time, referred to Judiciary. S.J. 398.	Support

HF585	A bill for an act relating to the establishment and implementation of the safe and sound program within the department of public safety, to participation in or use of the program by schools and students, to immunity from civil or criminal liability arising from a report made	Introduced, placed on calendar. H.J. 448.	
HF592	A bill for an act relating to noneconomic damage awards against health care	Introduced, placed on calendar. H.J. 474.	Oppose
HSB12	A bill for an act relating to judicial motions and causes of action arising from a person's	recommends passage.	Monitor
HSB25	A bill for an act relating to personal delivery devices, providing penalties, and making penalties applicable. (See HF 304.)	recommends passage. Vote Total: 3-0	
HSB58	A bill for an act creating a special motion for expedited relief in actions involving the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and	Committee report, recommending amendment and passage. H.J. 322.	Support
HSB76	A bill for an act relating to the establishment and implementation of the safe and sound program within the department of public safety, to participation in or use of the program by schools and students, to immunity from civil or criminal liability arising from a report made	Committee report approving bill, renumbered as HF 585.	
HSB84	A bill for an act relating to authorized emergency vehicles, making penalties applicable, and including effective date and	Subcommittee: Worthan, Gerhold and Konfrst. H.J. 125.	
HSB116	A bill for an act establishing which actions may be brought against firearm and ammunition manufacturers, distributors, importers, trade associations, sellers, or dealers.	Committee report, recommending amendment and passage. H.J. 491.	
HSB123	A bill for an act relating to midwife licensure, providing for fees, and making penalties applicable.	Kaufmann, Bloomingdale, Konfrst, Lundgren and Mascher. H.J. 177.	

HSB170	A bill for an act providing that a licensed veterinarian is immune from administrative, civil, or criminal liability in investigations or	Committee report, recommending passage. H.J. 490.	Monitor
HSB190	A bill for an act relating to authorized emergency vehicles, making penalties applicable, and including effective date and	recommends passage. Vote Total: 2-0	
HSB205	A bill for an act relating to private land available for public use for recreational purposes.	Meeting: 02/24/2021 8:00AM House Lounge #1.	
HSB208	A bill for an act relating to the statute of limitations for recovery from injuries to a person or property from a licensed veterinarian.	Subcommittee Meeting: 02/23/2021 8:00AM Law Library.	
HSB217	A bill for an act relating to tort liability, including employer liability in actions arising from an employee's negligence, punitive or exemplary damages, and noneconomic damages available	Subcommittee Meeting: 02/22/2021 11:00AM House Lounge.	Oppose
SF72	A bill for an act relating to authorized emergency vehicles, making penalties applicable, and including effective date and applicability provisions.(See SF 333.)	Committee report approving bill, renumbered as SF 333. S.J. 340.	Monitor
SF221	A bill for an act relating to sexual harassment in employment and working relationships, and including effective date provisions.	Subcommittee reassigned: Schultz, Brown, and Celsi. S.J. 299.	
SF236	A bill for an act relating to documentation required to be carried in a motor vehicle, including vehicle registration cards and proof of	Subcommittee recommends passage.	
SF307	A bill for an act relating to the examination and transportation of dead bodies, including	approving bill. S.J. 314.	
SF324	A bill for an act creating a civil remedy for the disclosure of private, sexually explicit images without consent of the depicted	Amendment S-3023 filed. S.J. 351.	Support
SF333	A bill for an act relating to authorized emergency vehicles, making penalties applicable, and including effective date and	Committee report, approving bill. S.J. 340.	Monitor

SF340	A bill for an act relating to the statute of limitations for recovery from injuries to a person or property from a licensed	Committee report, approving bill. S.J. 335.	
SF344	A bill for an act establishing which actions may be brought against firearm and ammunition manufacturers, distributors, importers, trade	Subcommittee: Schultz, Bisignano, and Zaun. S.J. 390.	Monitor
SF356	A bill for an act limiting civil liability for persons involved in agricultural tourism.(Formerly SSB	approving bill. S.J. 333.	
SF361	A bill for an act concerning private sector employee drug testing.(Formerly SSB 1055.)	approving bill. S.J. 349.	
SF420	A bill for an act relating to private land available for public use for recreational	approving bill. S.J. 409.	Monitor
SSB1055	A bill for an act concerning private sector employee drug testing.(See SF 361.)	approving bill, renumbered as SF 361.	Monitor
SSB1058	A bill for an act relating to personal delivery devices, providing penalties, and making penalties applicable.	Subcommittee recommends amendment and passage.	
SSB1070	A bill for an act relating to the establishment and implementation of the safe and sound program within the department of public safety, to participation in or use of the program by schools and students, to immunity from civil or criminal liability arising from a report made	Subcommittee Meeting: 02/02/2021 3:00PM RM 24A.	Monitor
SSB1101	A bill for an act concerning jurors, relating to access to certain department of revenue taxpayer information for jury list compilation and juror information confidentiality, and	Subcommittee recommends passage.	
SSB1131	A bill for an act relating to the financial exploitation of designated eligible adults, and making an appropriation.(See SF 391.)	approving bill, renumbered as SF 391.	Monitor
SSB1153	A bill for an act limiting civil liability for persons involved in agricultural tourism.(See SF 356.)	approving bill, renumbered as SF 356.	

- SSB1155 A bill for an act relating to private land available for public use for recreational purposes.(See SF 420.) approving bill, renumbered as SF 420.
- SSB1178 A bill for an act relating to qualified immunity of law enforcement officers, the peace officer, public safety, and emergency personnel bill of rights, and protected information of law Subcommittee Meeting: 02/18/2021 10:00AM 217 Conference Room.
- SSB1210 A bill for an act relating to tort liability, including employer liability in actions arising from an employee's negligence, punitive or exemplary damages, and noneconomic damages available Subcommittee Meeting: 02/23/2021 11:30AM 217 Conference Room. Oppose