

House File 268

MR. SPEAKER:

Your Committee on Cities and Towns, to whom was referred house file No. 268, a bill for an act relative to municipal corporations, and to limit their liability in certain cases, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it be amended by striking out section four, and by adding to it the two sections which, with said bill, are herewith reported, and that being so amended the bill do pass.

S. L. GLASGOW, *Chairman.*

Ordered passed on file.

SEC. 4. That within ninety days after the happening of any injury as contemplated by
2 this act, a statement, under oath, giving the time and place, and in detail, the cause and
3 manner of the injury, shall be filed with the governing body of such city or town, and within
4 six months from the time such injury is suffered, suit shall be brought against some of the
5 parties liable therefor. otherwise the liability of all parties on account of such injury shall
6 cease and be at an end, anything in the general statute of limitations to the contrary not-
7 withstanding.

SEC. 5. This act, being deemed of immediate importance, shall take effect from and after
2 its publication in the *Iowa State Register* and *Iowa State Leader*, newspapers published at Des
3 Moines.

A BILL

FOR AN ACT RELATIVE TO MUNICIPAL CORPORATIONS, AND TO LIMIT THEIR LIABILITY IN CERTAIN CASES.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever any
2 injury shall happen to persons or property in any city or incorporated town, whether incorpo-
3 rated by special charter or otherwise, by reason of any defect or incumbrance of any street,
4 sidewalk, alley, or public ground, and such defect or incumbrance shall arise from, or be pro-
5 duced by, the wrong, default, or neglect of any person or corporation, such person or corpo-
6 ration so guilty of such wrong, default or neglect, shall be primarily liable for all damages
7 for such injury; and such city or town shall not be liable therefor until after all legal reme-
8 dies shall have been exhausted to collect such damages from such person or corporation, and
9 until it is shown that such city or town had notice of such defect or incumbrance a sufficient
10 time prior to the happening of the injury complained of, and had sufficient funds in its road
11 fund, unappropriated and applicable thereto, to repair or remove such defect or incumbrance.

SEC. 2. That if in the letting of a contract for the doing of any work on the streets,
2 alleys, sidewalks, or public grounds of such city or town, a bond be taken from the con-
3 tractor, with sureties to be approved by the governing body of such city or town, conditioned
4 that such contractor will save the city or town harmless from all loss or damage any one
5 may suffer because of the negligence of such contractor, his agents, servants, or employes, in
6 doing the work, or in failing to keep up protection or guards, when necessary, to prevent in-
7 jury to persons or property, in the progress of the work, such city or town shall not be liable
8 for damage caused to any one because of any such negligence on the part of said contractor.
9 his agents, servants or employes, until all legal means shall have been exhausted to collect
10 the same on said bond: and any one injured by such negligence may in his own name main-
11 tain a suit on said bond to recover for such injury.

SEC. 3. That if bond is taken, as provided in section two of this act, and at the time it is
2 taken such bond is good for the sum of two thousand dollars, there shall be no liability on
3 such city or town for any damage caused as contemplated in said section.

SEC. 4. That if suit is not brought for the injuries contemplated by this act, against the
2 party primarily liable therefor, as aforementioned, within ninety days from the happening of
3 the same, all remedy therefor shall be barred.

SEC. 5. That none of such cities or towns shall be liable for injury sustained by any
2 one on the streets, alleys, sidewalks, or other public grounds of such cities or towns, by rea-
3 son of such streets, alleys, sidewalks, or other public grounds, being smooth, slippery, ob-
4 structed, or difficult and dangerous of passage, from sleet, snow, ice, or other natural causes.