

FILED FEB 26 '01

SENATE FILE 287  
BY FLYNN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing for exceptions to municipal tort liability for  
2 freestyle or mountain biking.

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

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SF 287 JUDICIARY

1 Section 1. Section 670.4, subsection 14, Code 2001, is  
2 amended to read as follows:

3 14. Any claim based upon or arising out of a claim of  
4 negligent design or specification, negligent adoption of  
5 design or specification, or negligent construction or  
6 reconstruction of a public facility designed for purposes of  
7 skateboarding, or in-line skating, or freestyle or mountain  
8 biking that was constructed or reconstructed in accordance  
9 with a generally recognized engineering or safety standard,  
10 criteria, or design theory in existence at the time of the  
11 construction or reconstruction.

12 Sec. 2. Section 670.4, subsection 15, unnumbered paragraph  
13 1, Code 2001, is amended to read as follows:

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

26 EXPLANATION

27 This bill amends Code section 670.4 regarding municipality  
28 design and acts or omissions of a municipality's employees in  
29 regard to freestyle or mountain biking. The bill provides an  
30 exemption from liability for municipalities relating to claims  
31 based upon negligent design or construction of a public  
32 facility designed for freestyle or mountain biking and for  
33 claims based upon acts or omissions of an officer or employee  
34 of the municipality by a person engaged in freestyle or  
35 mountain biking on public property when the person knew or

1 reasonably should have known that the freestyle or mountain  
2 biking created a substantial risk of injury and the person was  
3 acting voluntarily. A municipality in Code chapter 670 is a  
4 city, county, township, school district, or other unit of  
5 local government.

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