

Lamberti  
Holveck  
McKean

Succeeded By  
SF/HF 484

SSB-1211  
Judiciary

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON MADDOX)

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

**A BILL FOR**

1 An Act relating to the limitation on products liability of  
2 wholesalers, retailers, distributors, and sellers of products.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 613.18, Code 2001, is amended to read  
2 as follows:

3 613.18 LIMITATION ON PRODUCTS LIABILITY OF  
4 NONMANUFACTURERS WHOLESALERS, RETAILERS, DISTRIBUTORS, AND  
5 SELLERS OF PRODUCTS.

6 1. A person who is not the assembler, designer, or  
7 manufacturer, and who wholesales, retails, distributes, or  
8 otherwise sells a product is:

9 a. Immune from any suit based upon strict liability in  
10 tort or breach of implied warranty of merchantability which  
11 arises solely from an alleged defect in the original design or  
12 manufacture of the product but only if the assembler,  
13 designer, or manufacturer is either domiciled in the United  
14 States or is subject to the jurisdiction of the courts of this  
15 state and has not been judicially declared insolvent.

16 b. Not liable for damages based upon strict liability in  
17 tort or breach of implied warranty of merchantability for the  
18 product upon proof that the assembler, designer, or  
19 manufacturer is domiciled in the United States or is subject  
20 to the jurisdiction of the courts of this state and has not

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22 2. A person who is a retailer of a product and who  
23 assembles a product, such assembly having no causal  
24 relationship to the injury from which the claim arises, is not  
25 liable for damages based upon strict liability in tort or  
26 breach of implied warranty of merchantability which arises  
27 from an alleged defect in the original design or manufacture  
28 of the product upon proof that the assembler, designer, or  
29 manufacturer is domiciled in the United States or is subject  
30 to the jurisdiction of the courts of this state and has not  
31 been judicially declared insolvent.

32 3. An action brought pursuant to this section, where the  
33 claimant certifies that the assembler, designer, or  
34 manufacturer of the product is not yet identifiable, tolls the  
35 statute of limitations against such assembler, designer, or

1 manufacturer until such time as discovery in the case has  
2 identified the assembler, designer, or manufacturer.

3 4. Any person entitled to immunity or limited liability  
4 under this section, who knowingly misrepresents to the public  
5 that the product at issue is assembled, designed, or  
6 manufactured in the United States shall not be entitled to  
7 immunity or limited liability.

8 EXPLANATION

9 This bill limits the immunity granted to wholesalers,  
10 retailers, distributors, or other sellers of products when the  
11 assemblers, designers, or manufacturers of the products are  
12 not domiciled in the United States or are not subject to the  
13 jurisdiction of the Iowa courts and have not been judicially  
14 declared insolvent. The bill further provides that  
15 wholesalers, retailers, distributors, or other sellers of  
16 products who falsely represent that a product is made in the  
17 United States shall not be entitled to immunity or limited  
18 liability.

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4/5/01 Rereferred To: Judiciary

FILED MAR 19 3.

SENATE FILE 484  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1211)

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

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SF 484

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