

SENATE FILE 2175
BY LAMBERTI

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

A BILL FOR

1 An Act creating a presumption of owner consent when the child of
2 an owner operates the owner's motor vehicle.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2175
TRANSPORTATION

1 Section 1. Section 321.493, subsections 1, Code 2001, is
2 amended to read as follows:

3 1. a. Subject to ~~paragraph~~ paragraphs "b" and "c", in all
4 cases where damage is done by any motor vehicle by reason of
5 negligence of the driver, and driven with the consent of the
6 owner, the owner of the motor vehicle shall be liable for such
7 damage. For purposes of this subsection, "owner" means the
8 person to whom the certificate of title for the vehicle has
9 been issued or assigned or to whom a manufacturer's or
10 importer's certificate of origin for the vehicle has been
11 delivered or assigned. However, if the vehicle is leased,
12 "owner" means the person to whom the vehicle is leased, not
13 the person to whom the certificate of title for the vehicle
14 has been issued or assigned or to whom the manufacturer's or
15 importer's certificate of origin for the vehicle has been
16 delivered or assigned. For purposes of this subsection,
17 "leased" means the transfer of the possession or right to
18 possession of a vehicle to a lessee for a valuable
19 consideration for a continuous period of twelve months or
20 more, pursuant to a written agreement.

21 b. A rebuttable presumption arises that a child of the
22 owner of a motor vehicle, who is a named insured under the
23 owner's automobile insurance policy and a resident of the
24 owner's household, operates the owner's motor vehicle with the
25 owner's consent. For purposes of this subsection, "child"
26 means a son, daughter, stepson, or stepdaughter, regardless of
27 age.

28 ~~b.~~ c. The owner of a vehicle with a gross vehicle weight
29 rating of seven thousand five hundred pounds or more who rents
30 the vehicle for less than a year under an agreement which
31 requires an insurance policy covering at least the minimum
32 levels of financial responsibility prescribed by law, shall
33 not be deemed to be the owner of the vehicle for the purpose
34 of determining financial responsibility for the operation of
35 the vehicle or for the acts of the operator in connection with

1 the vehicle's operation.

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EXPLANATION

This bill creates a rebuttable presumption that a child, who is a named insured under an owner's automobile insurance policy and a resident of the owner's household, operates the owner's motor vehicle with the owner's consent. The bill defines the term "child".