

FILED FEB 06 2006

JUDICIARY

SENATE FILE 2151  
BY BRUNKHORST

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

**A BILL FOR**

1 An Act providing an exception to municipal tort liability for  
2 golfing.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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JUDICIARY  
SF 2151

1 Section 1. Section 670.4, subsections 14 and 15, Code  
2 2005, are 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, in-line skating, bicycling, unicycling,  
8 scootering, river rafting, canoeing, ~~or~~ kayaking, or golfing  
9 that was constructed or reconstructed, reasonably and in good  
10 faith, in accordance with generally recognized engineering or  
11 safety standards or design theories in existence at the time  
12 of the construction or reconstruction.

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

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EXPLANATION

29 This bill provides an exemption from liability regarding a  
30 municipality's negligent design, or negligent construction or  
31 reconstruction, of a public facility designed for golfing  
32 purposes that was constructed or reconstructed in accordance  
33 with generally recognized engineering or safety standards in  
34 existence at the time of the construction or reconstruction.

35 The bill also provides an exemption from liability for a

1 municipality relating to claims based upon acts or omissions  
2 of an officer or employee of the municipality by a person  
3 engaged in golfing on public property when the person knew or  
4 reasonably should have known that the golfing created a  
5 substantial risk of injury and the person was acting  
6 voluntarily.

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