

Senate File 1 - Introduced

SENATE FILE 1

BY SHIPLEY

A BILL FOR

1 An Act relating to comparative fault of railway corporations.

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

1 Section 1. NEW SECTION. 327D.16A Comparative fault —
2 limitation of application.

3 Notwithstanding sections 327D.188 and 668.3, in any actions
4 brought against any railway corporation to recover damages for
5 property damage, personal injury, or death in any crash or
6 collision in which the freight or work railroad train exceeded
7 seven thousand feet and the jury finds that the length of the
8 freight or work railroad train caused, in whole or in part,
9 the property damage, personal injury, or death in the crash or
10 collision, the recovery by the claimant or other party shall
11 not be diminished due to the comparative fault of the claimant
12 or other party.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to comparative fault of railway
17 corporations. The bill provides that when a train is 7,000
18 feet or longer and the jury determines that the length of the
19 train contributed to the accident, the railway corporation
20 shall not be eligible to seek a reduction in damages under the
21 theory of comparative fault.

22 Under current law, any damages for fault resulting in
23 injury are diminished in proportion to the amount of fault
24 attributable to the claimant. Such comparative fault
25 considerations do not apply to the bill.