

# **Bond Case Briefs**

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## **IMMUNITY - IOWA**

### **Penny v. City of Winterset**

**Supreme Court of Iowa - December 29, 2023 - N.W.2d - 2023 WL 9008159**

Motorist brought action against city and police officer alleging that officer was reckless in his conduct related to collision with motorist in an intersection, and that city was vicariously liable for the alleged recklessness.

The District Court granted city's and officer's motion for summary judgment. Motorist appealed, and the case was transferred to the Court of Appeals, which reversed and remanded. City's and officer's application for further review was granted.

The Supreme Court held that officer's conduct did not meet high bar for "recklessness" in order for liability to exist under statute providing liability protections to drivers of emergency vehicles.

Police officer's conduct in driving through an intersection without making full stop at the stop sign while responding to an emergency call did not meet high bar for "recklessness," as required for city and officer to have liability under exception to statute providing liability protections to drivers of emergency vehicles for injuries sustained by motorist with whom officer collided in the intersection, where officer had his lights running and siren blaring, he saw traffic to his left was either stopped or far enough away from the intersection not to be problem and saw a light to his right he believed to be coming from a nearby farmhouse, he slowed to speed that was reasonable before proceeding through the intersection, and he had a clear lane through which he could proceed.