

CHAPTER 1110

WORKMEN'S COMPENSATION

H. F. 1406

AN ACT relating to workmen's compensation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty-five point one (85.1), subsection one
 2 (1), Code 1973, as amended by Acts of the Sixty-fifth General Assem-
 3 bly, 1973 Session, chapter one hundred forty-four (144), section one
 4 (1), is amended to read as follows:

5 1. Any employee engaged in any type of service in or about a pri-
 6 vate dwelling except that after July 1, 1974, this chapter shall apply
 7 to such persons who earn two hundred dollars or more from such em-
 8 ployer for whom employed at the time of the injury ~~in during the any~~
 9 ~~calendar quarter~~ *thirteen consecutive weeks prior to the injury*, pro-
 10 vided said employee is not a regular member of the household.

11 *For purposes of this subsection "member of the household" is defined*
 12 *to be the spouse of the employer or relatives of either the employer or*
 13 *spouse residing on the premises of the employer.*

1 SEC. 2. Section eighty-five point one (85.1), subsection two (2),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred forty-four (144), section two (2),
 4 is amended to read as follows:

5 2. Persons whose employment is purely casual and not for the pur-
 6 pose of the employer's trade or business, except that after July 1, 1974,
 7 this chapter shall apply to such employees who earn two hundred dol-
 8 lars or more from such employer for whom employed at the time of the
 9 injury ~~in during any the calendar quarter~~ *thirteen consecutive weeks*
 10 *prior to the injury.*

1 SEC. 3. Section eighty-five point one (85.1), subsection three (3),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred forty-four (144), section three (3),
 4 and chapter one hundred forty-five (145), section one (1), is amended
 5 by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. For purposes of this subsection, commencing
 7 January 1, 1975, the following shall not be included within the classifi-
 8 cation of persons engaged in agriculture: (1) the spouse of the em-
 9 ployer and relatives of either the employer or spouse residing on the
 10 premises of the employer, and (2) any person engaged in agriculture
 11 as an owner-operator or tenant-operator or spouse or relatives of
 12 either residing on the premises of such owner-operator or tenant-oper-
 13 ator, while exchanging labor with an employer, or spouse, or relatives
 14 of either residing on the premises of such employer, for the mutual
 15 benefit of any or all of such persons.

1 SEC. 4. NEW SECTION. When no memorandum of agreement has
 2 been filed and approved by the industrial commissioner, the parties to
 3 a contested case may enter into a settlement of any claim arising under
 4 chapter eighty-five (85) or eighty-five A (85A) of the Code, pro-
 5 viding for final disposition of the claim. The settlement shall be in
 6 writing and submitted to the industrial commissioner for approval.

7 The settlement shall not be approved unless evidence of a bona fide dis-
8 pute exists concerning any of the following:

9 1. The claimed injury arose out of or in the course of the employ-
10 ment.

11 2. The injured employee gave notice under section eighty-five point
12 twenty-three (85.23) of the Code.

13 3. The original proceeding was filed within two years from the date
14 of the injury causing death or disability for which compensation is
15 claimed.

16 4. The injury was caused by the employee's willful intent to injure
17 himself or to willfully injure another.

18 5. Intoxication of the employee was the proximate cause of the
19 injury.

20 6. The injury was caused by the willful act of a third party directed
21 against the employee for reasons personal to such employee.

22 7. Chapter eighty-five (85) or eighty-five A (85A) applies to the
23 injured party.

24 Approval by the industrial commissioner shall be binding on the
25 parties and shall not be construed as an original proceeding. Notwith-
26 standing any provisions of chapters eighty-five (85), eighty-five A
27 (85A), eighty-six (86), and eighty-seven (87) of the Code, an approved
28 settlement shall constitute a final bar to any further rights arising
29 under chapters eighty-five (85), eighty-five A (85A), eighty-six (86),
30 and eighty-seven (87) of the Code. Such payment shall not be con-
31 strued as the payment of weekly compensation.

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter one hundred forty-four (144), section twelve (12), subsection
3 ten (10), unnumbered paragraph one (1), is amended to read as fol-
4 lows:

5 In the case of an employee who earns either no wages or less than
6 the usual weekly earnings of the regular full-time adult laborer in the
7 line of industry *in which he is injured* in that locality, the earnings
8 shall be taken to be the average weekly wages of the average wage
9 earner in that particular kind or class of work *weekly earnings shall be*
10 *one-fiftieth of the total earnings which the employee has earned from*
11 *all employment during the twelve calendar months immediately pre-*
12 *ceding the injury but shall be not less than forty-five dollars per week.*
13 *If information of that kind is not obtainable, then the class most kin-*
14 *dred or similar in the same general employment in the same neighbor-*
15 *hood shall be used.*

1 SEC. 6. Section eighty-five point thirty-one (85.31), Code 1973, is
2 amended by striking subsection four (4).

Approved May 27, 1974