

CHAPTER 1111

WORKMEN'S COMPENSATION REMEDY EXCLUSIVE

H. F. 1426

AN ACT to provide that the right to workmen's compensation shall be the exclusive remedy to an employee against his employer or fellow employee on account of injury or occupational disease.

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

1 SECTION 1. Section eighty-five point twenty (85.20), Code 1973, is
2 amended to read as follows:

3 **85.20 Rights of employee exclusive.** The rights and remedies pro-
4 vided in this chapter or chapter eighty-five A (85A) of the Code for an
5 employee on account of injury or occupational disease for which benefits
6 under this chapter or chapter eighty-five A (85A) of the Code, are
7 recoverable, shall be the exclusive of all other and only rights and
8 remedies of such employee, his personal or legal representatives,
9 dependents, or next of kin, at common law or otherwise, on account
10 of such injury or occupational disease against:

11 (1) his employer; or

12 (2) any other employee of such employer, provided that such injury
13 or occupational disease arises out of and in the course of such employ-
14 ment and is not caused by the other employee's gross negligence
15 amounting to such lack of care as to amount to wanton neglect for the
16 safety of another.

1 SEC. 2. Section eighty-five point twenty-two (85.22), unnumbered
2 paragraph one (1), Code 1973, is amended to read as follows:

3 When an employee receives an injury or incurs an occupational dis-
4 ease for which compensation is payable under this chapter or chapter
5 eighty-five A (85A) of the Code, and which injury or occupational dis-
6 ease is caused under circumstances creating a legal liability against
7 some person, other than the his employer or any employee of such
8 employer as provided in section eighty-five point twenty (85.20) of the
9 Code, to pay damages, the employee, or his dependent, or the trustee
10 of such dependent, may take proceedings against his employer for
11 compensation, and the employee or, in case of death, his legal repre-
12 sentative may also maintain an action against such third party
13 for damages. When an injured employee or his legal representative
14 brings an action against such third party, a copy of the original notice
15 shall be served upon the employer by the plaintiff, not less than ten
16 days before the trial of the case, but a failure to give such notice shall
17 not prejudice the rights of the employer, and the following rights and
18 duties shall ensue:

Approved May 27, 1974