

April 2, 1957.
Sifting Committee.

House File 568
By SOCIAL SECURITY COMMITTEE.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to amend chapter eighty-five (85), Code 1954, as amended, relating to workmen's compensation, so as to redefine "injury", "personal injury", and "personal injury by accident", to increase the maximum weekly benefit amount to thirty-four dollars (\$34.00), to revise and redcfine certain provisions relative to compensation for total permanent disability, permanent partial disability and the healing period therefor, to provide for and authorize special case settlements, to provide for crediting payments otherwise made, and to repeal sections eighty-five point thirty-four (85.34) and eighty-five point thirty-five (85.35), Code 1954, and enact a substitute therefor.

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

- 1 Section 1. Section eighty-five point thirty-one (85.31),
2 Code 1954, is hereby amended as follows:
 - 3 1. By inserting after the word "injury" in line four (4)
4 of subsection one (1) the following: "during their lifetime".
 - 5 2. By inserting after the word "injury" in line six (6)
6 of subsection one (1) the following: "but not to exceed a
7 total of ten thousand two hundred dollars (\$10,200.00)."
 - 8 3. By inserting after the word "compensation" in line
9 eight (8) of subsection four (4) the following: "but not to
10 exceed a total of ten thousand two hundred dollars (\$10,200.00)."
- 1 Sec. 2. Section eighty-five point thirty-three (85.33),
2 Code 1954, is hereby amended by striking the second paragraph
3 thereof.
- 1 Sec. 3. Sections eighty-five point thirty-four (85.34)
2 and eighty-five point thirty-five (85.35), Code 1954, are

61 the loss of the entire toe.

62 1. For the loss of a hand, weekly compensation
63 during one hundred seventy-five (175) weeks, but not to
64 exceed a total of fifty-nine hundred fifty dollars (\$5,950.00).

65 m. The loss of two-thirds of that part of an arm
66 between the shoulder joint and the elbow joint shall equal
67 the loss of an arm and the compensation therefor shall be
68 weekly compensation during two hundred thirty (230) weeks,
69 but not to exceed a total of seventy-eight hundred twenty
70 dollars (\$7,820.00).

71 n. For the loss of a foot, weekly compensation
72 during one hundred fifty (150) weeks, but not to exceed a
73 total of fifty-one hundred dollars (\$5,100.00).

74 o. The loss of two-thirds of that part of a leg
75 between the hip joint and the knee joint shall equal the loss
76 of a leg, and the compensation therefor shall be weekly
77 compensation during two hundred (200) weeks, but not to
78 exceed a total of sixty-eight hundred dollars (\$6,800.00).

79 p. For the loss of an eye, weekly compensation
80 during one hundred twenty-five (125) weeks, but not to
81 exceed a total of four thousand two hundred fifty dollars
82 (\$4,250.00).

83 q. For the loss of an eye, the other eye having
84 been lost prior to the injury, weekly compensation during two
85 hundred (200) weeks, but not to exceed a total of sixty-
86 eight hundred dollars (\$6,800.00).

87 r. For the loss of hearing in one ear, weekly
88 compensation during fifty (50) weeks, but not to exceed a
89 total of seventeen hundred dollars (\$1,700.00), and for the

90 loss of hearing in both ears, weekly compensation during
91 one hundred seventy-five (175) weeks, but not to exceed a
92 total of fifty-nine hundred fifty dollars (\$5,950.00).

93 s. The loss of both arms, or both hands, or both
94 feet, or both legs, or both eyes, or of any two thereof,
95 caused by a single accident, shall equal a permanent total
96 disability, to be compensated as such, but not to exceed a
97 total of seventeen thousand dollars (\$17,000.00).

98 t. For permanent disfigurement of the face or head
99 which shall impair the future usefulness of the employee in
100 his occupation at the time of receiving the injury, weekly
101 compensation for such period as may be determined by the
102 industrial commissioner according to the severity of the
103 disfigurement, during not to exceed one hundred fifty (150)
104 weeks, but in no event to exceed a total of fifty-one hundred
105 dollars (\$5,100.00).

106 u. In those cases of permanent partial disability
107 affecting a member or members of the body specifically
108 referred to in paragraphs a through s hereof, the compensation
109 shall bear such relation to the periods of time, and the
110 maximum amounts of compensation stated in each of said
111 paragraphs respectively as the disability bears to the
112 disabilities produced by the injuries named therein.

113 v. In all cases of permanent partial disability
114 other than those herinbefore described or referred to in
115 paragraphs a through u hereof, the compensation shall bear
116 such relation to five hundred (500) weeks as the disability
117 bears to the body of the injured employee as a whole, but
118 not to exceed seventeen thousand dollars (\$17,000.00).

119 3. Permanent total disability. For an injury
120 causing permanent total disability, the employer shall pay
121 weekly compensation to the injured employee during the period
122 of his disability, but not to exceed five hundred (500) weeks
123 nor in any event to exceed seventeen thousand dollars (\$17,000.00).
124 No compensation shall be payable under this subsection for any
125 injury for which compensation is payable under paragraph a
126 through v of subsection two (2) of this section. In the
127 event compensation has been paid to any person under any
128 provision of law other than this subsection three (3), any
129 such amounts so paid shall be deducted from the total amount
130 of compensation determined to be payable under this subsection."

1 Sec. 4. Chapter seventy-eight (78), Acts of the
2 Fifty-seventh General Assembly, section one (1), is amended
3 by striking from line three (3) the word "thirty-two" and
4 inserting in lieu thereof the word "thirty-four".

1 Sec. 5. Chapter seventy-eight (78), Acts of the
2 Fifty-seventh General Assembly, section two (2), is amended
3 by striking from line three (3) the word "fifteen" and
4 inserting in lieu thereof the word "eighteen".

1 Sec. 6. Section eighty-five point thirty-nine
2 (85.39), Code 1954, is amended by inserting in line eleven
3 (11) after the period following the word "examination"
4 the following:

5 "The employee shall be compensated for the time
6 lost because of such an examination and shall be furnished
7 transportation to and from the place of examination."

1 Sec. 7. Section eighty-five point forty-two (85.42),
2 Code 1954, is hereby amended by adding thereto the following

3 subsection:

4 "Posthumous children shall be regarded the same as
5 children living at the time of injury."

1 Sec. 8. Section eighty-five point fifty-four (85.54),
2 Code 1954, is hereby amended as follows:

3 1. By inserting in line six (6) immediately after
4 the comma the following: ", except contracts or agreements
5 for 'special case settlements' as provided in section eleven
6 (11) of this Act."

7 2. By adding at the end of said section the following
8 paragraph:

9 "In the event the disabled employee shall receive any
10 benefits, including medical, surgical or hospital benefits,
11 under any group insurance plan covering occupational or
12 nonoccupational disabilities, contributed to wholly or
13 partially by the employer, which benefits should not have
14 been paid because this chapter or chapter eighty-five A (85A)
15 provided benefits for such disability, then such amount so paid
16 to said employee by any such group plan shall be credited to
17 or against any compensation payments, including medical,
18 surgical or hospital, made or to be made under this chapter
19 or chapter eighty-five A (85A). This paragraph shall not
20 apply to payments made under any group plan which would have
21 been payable irrespective of an accidental injury under this
22 chapter or chapter eighty-five A (85A). Any employer receiving
23 such credit shall keep such employee safe and harmless
24 from any and all claims or liabilities that may be made
25 against him by reason of having received such payments
26 only to the extent of such credit. The employer and its

27 workmen's compensation carrier, if any, shall be directly
28 liable, jointly and severally, to the group insurer for the
29 amount so paid under the group insurance plan and credited
30 to or against such compensation payments, and they shall
31 immediately reimburse such group insurer for the amount
32 so paid and credited. Such credit or offset shall not
33 be deemed a waiver within the meaning of section eighty-
34 five point fifty-five (85.55).

1 Sec. 9. Section eighty-five point fifty-five
2 (85.55), Code 1954, is hereby amended by changing the
3 period in line six (6) to a comma and by inserting the
4 following immediately thereafter: "except in so far
5 and to such extent as such waiver or waivers are permitted
6 under the provisions of section eleven (11) of this Act
7 providing for special case settlements."

1 Sec. 10. Section eighty-five point sixty-one (85.61),
2 Code 1954, is hereby amended as follows:

3 1. By striking from line two (2) the following words:
4 "unless the context otherwise requires,".

5 2. By striking subsection five (5) and six (6) and
6 inserting in lieu thereof the following:

7 "5. The words 'injury' or 'personal injury' or the
8 plural of said terms, shall be construed to mean as follows:

9 a. They shall mean only a specific incident resulting
10 in injury to the physical structure of the body and such disease
11 or infection as naturally and reasonably results therefrom,
12 and which injury is caused by an accident.

13 b. They shall include an aggravation by accident
14 of a pre-existing occupational disease, and the employer

15 shall be liable only for the degree of aggravation of the
16 pre-existing occupational disease caused by the injury.

17 c. They shall include death resulting from personal
18 injury.

19 d. They shall not include disability or death due to
20 natural causes but occurring while the employee is at work,
21 going to or from work, or on the employer's premises.

22 e. They shall include the damage or breakage of
23 prosthetic devices.

24 f. They shall not include injury caused by the
25 willful act of a third person directed against an employee
26 for reasons personal to such employee, or because of his
27 employment.

28 g. They shall not include an occupational disease,
29 nor any disease or infection not naturally and reasonably
30 resulting from an injury, nor a progressive physical
31 weakness or impairment.

32 6. The word 'accident' shall mean only an unexpected
33 or unforeseen event happening suddenly, other than an act
34 of God, war, insurrection, or civil commotion, and producing
35 at the time objective symptoms of injury."

36 3. By adding at the end of said section a new sub-
37 section as follows:

38 "The words 'personal injury by accident arising out of
39 and in the course of the employment' or words of similar
40 import shall include injuries by accident to employees whose
41 services are being performed on, in, or about the premises
42 which are occupied, used, or controlled by the employer,
43 and also injuries by accident to those who are engaged

44 elsewhere in places where their employer's business
45 requires their presence and subjects them to dangers
46 incident to the business."

1 Sec. 11. Chapter eighty-six (86), Code 1954, is
2 hereby amended by adding a new section as follows:
3 "Special case settlements. At any time after a
4 claim for compensation under the workmen's compensation
5 law has been filed with the industrial commissioner, the
6 claimant or his or her dependents, as the case may be, may,
7 with the approval of the industrial commissioner, enter
8 into an agreement with the employer or insurer of such
9 employer providing for a final compromise and settlement
10 of any and all claims which the said employec or his or
11 her dependents might then or thereafter have under the
12 provisions of the workmen's compensation law, upon such
13 terms and conditions as the industrial commissioner shall
14 in his discretion deem proper. Any such settlement when
15 approved by the industrial commissioner shall be binding
16 upon all parties thereto and final."

EXPLANATION OF HOUSE FILE 568

This bill provides for an increase of two dollars (\$2.00) per week on the maximum weekly workmen's compensation, that is, from thirty-two dollars (\$32.00) to thirty-four dollars (\$34.00) per week. Many employers have group benefit plans for non-occupational injuries, and supplemental plans, and frequently payments are made therefrom and it is later determined that the payments should have been made under the workmen's compensation law. In such cases credit should be given for such payments so as to avoid double payments. There has been much confusion as to permanent partial disabilities, and section three (3) amends section eighty-five point thirty-five (85.35) of the Code to clarify the law. This is accomplished by placing the healing period allowance in Code section eighty-five point thirty-five (85.35) where it belongs, and by limiting payments for the healing period to the period of actual incapacity from work, also by rewriting the provision applying specifically to injuries which are less than a scheduled injury, and by adding a new subsection to cover nonscheduled permanent partial disabilities. This bill also provides specifically for special case settlements, subject to approval by the industrial commissioner. "Injury", "personal injury", and "personal injury by accident" are redefined to remove confusion in the administration of the law.