

February 27, 1957.  
Passed on File.

**Senate File 362**  
By NOLAN, SCHROEDER, WORMLEY,  
EVANS and SHAFF.

Passed Senate, Date..... Passed House, 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 (\$34.00) dollars, to revise and redefine 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.

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

1 Section 1. Section eighty-five point one (85.1), Code 1954,  
2 is hereby amended by inserting in line fourteen (14) of  
3 subsection three (3) after the word "sustained" and before the  
4 comma (,) the words "by accident".

1 Sec. 2. Section eighty-five point three (85.3), Code 1954, is  
2 hereby amended as follows:

3 1. Insert in line six (6) of subsection one (1) after the  
4 word "employee", the words "by accident".

5 2. Insert in line six (6) of paragraph a of subsection two  
6 (2), after the word "employee", the words "by accident".

1 Sec. 3. Section eighty-five point seven (85.7), Code 1954, is  
2 hereby amended by inserting in line six (6) after the word  
3 "received", the words "by accident".

1 Sec. 4. Section eighty-five point nine (85.9), Code 1954, is  
2 hereby amended by inserting in line twelve (12) after the word

3 "injury", the words "by accident".

1 Sec. 5. Section eighty-five point seventeen (85.17), Code  
2 1954, is hereby amended by inserting in line eleven (11) after  
3 the word "sustained", the words "by accident"

1 Sec. 6. Section eighty-five point nineteen (85.19), Code  
2 1954, is hereby amended by inserting in line three (3) after the  
3 word "sustained", the words "by accident".

1 Sec. 7. Section eighty-five point twenty (85.20), Code 1954,  
2 is hereby amended by inserting in line three (3) after the word  
3 "injury", the words "by accident".

1 Sec. 8. Section eighty-five point twenty-one (85.21), Code  
2 1954, is hereby amended by inserting in line six (6) after the  
3 word "sustains" the words "by accident".

1 Sec. 9. Section eighty-five point thirty-one (85.31), Code  
2 1954, is hereby amended as follows:

3 1. Insert after the word "injury" in line four (4) of  
1 subsection one (1), the following: "during their lifetime".

5 2. Insert after the word "injury" in line six (6) of  
6 subsection one (1), the following: "but not to exceed a  
7 total of ten thousand two hundred (\$10,200.00) dollars."

8 3. Insert after the word "compensation" in line eight (8)  
9 of subsection four (4), the following: "but not to exceed a  
10 total of ten thousand two hundred (\$10,200.00) dollars."

1 Sec. 10. Section eighty-five point thirty-three (85.33),  
2 Code 1954, is hereby amended by striking the second paragraph  
3 thereof.

1 Sec. 11. Sections eighty-five point thirty-four (85.34)  
2 and eighty-five point thirty-five (85.35), Code 1954, are  
3 hereby repealed and the following is enacted in lieu thereof:

4 "Permanent disabilities. Compensation for permanent  
5 disabilities and during a healing period for scheduled permanent  
6 partial disabilities, shall be payable to an employee during  
7 his lifetime only as provided in this section.

8 (a) *Healing Period.* If an employee has suffered a personal  
9 injury causing permanent partial disability for which  
10 compensation is payable as provided in subsection (b) of this  
11 section, the employer shall pay to the employee compensation for  
12 a healing period beginning on the date of the injury, which shall  
13 be not more than twenty-five (25%) percent of the period during  
14 which weekly compensation is required to be paid for the permanent  
15 partial disability under the provisions of this section, or for a  
16 period of not more than twenty (20) weeks, whichever is the  
17 lesser, but in no event shall such payments for a healing period  
18 be made for a period longer than the actual time the employee is  
19 incapacitated from work because of such injury.

20 (b) *Permanent Partial Disability.* Compensation payments for  
21 permanent partial disability shall begin at the termination of  
22 the healing period provided in paragraph (a) hereof and shall be  
23 based upon the extent of such disability, and for all cases of  
24 permanent partial disability, shall be paid as follows:

25 1. For the loss of a thumb, weekly compensation during sixty  
26 weeks, but not to exceed a total of two thousand forty (\$2040.00)  
27 dollars.

28 2. For the loss of a first finger, commonly called the index  
29 finger, weekly compensation during thirty-five (35) weeks, but  
30 not to exceed a total of eleven hundred ninety (\$1190.00)  
31 dollars.

32 3. For the loss of a second finger, weekly compensation

33 during thirty (30) weeks but not to exceed a total of one  
34 thousand twenty (\$1020.00) dollars.

35 4 For the loss of a third finger, weekly compensation during  
36 twenty-five (25) weeks but not to exceed a total of eight hundred  
37 fifty (\$850.00) dollars.

38 5 For the loss of a fourth finger, commonly called the  
39 little finger, weekly compensation during twenty (20) weeks but  
40 not to exceed a total of six hundred eighty (\$680.00) dollars.

41 6 The loss of the first or distal phalange of the thumb or  
42 of any finger shall equal the loss of one-half of such thumb or  
43 finger and compensation shall be one-half of the amount for the  
44 loss of such thumb or finger.

45 7. The loss of more than one phalange shall equal the loss of  
46 the entire finger or thumb.

47 8. For the loss of a great toe, weekly compensation during  
48 forty (40) weeks but not to exceed a total of thirteen hundred  
49 sixty (\$1360.00) dollars.

50 9. For the loss of one of the toes other than the great toe  
51 weekly compensation during fifteen (15) weeks but not to exceed a  
52 total of five hundred ten (\$510.00) dollars.

53 10. The loss of the first phalange of any toe shall equal the  
54 loss of one-half of such toe and the compensation shall be one-  
55 half of the amount provided for the loss of such toe.

56 11. The loss of more than one phalange shall equal the loss  
57 of the entire toe.

58 12. For the loss of a hand, weekly compensation during one  
59 hundred seventy-five (175) weeks but not to exceed a total of  
60 fifty-nine hundred fifty (\$5950.00) dollars.

61 13. The loss of two-thirds of that part of an arm between the

62 shoulder joint and the elbow joint shall equal the loss of an arm  
63 and the compensation therefor shall be weekly compensation during  
64 two hundred thirty (230) weeks but not to exceed a total of  
65 seventy-eight hundred twenty (\$7820.00) dollars.

66 14. For the loss of a foot, weekly compensation during one  
67 hundred fifty (150) weeks but not to exceed a total of fifty-one  
68 hundred (\$5100.00) dollars.

69 15. The loss of two-thirds of that part of a leg between the  
70 hip joint and the knee joint shall equal the loss of a leg, and  
71 the compensation therefor shall be weekly compensation during two  
72 hundred (200) weeks but not to exceed a total of sixty-eight  
73 hundred (\$6800.00) dollars.

74 16. For the loss of an eye, weekly compensation during one  
75 hundred twenty-five (125) weeks but not to exceed a total of four  
76 thousand two hundred fifty (\$4250.00) dollars.

77 17. For the loss of an eye, the other eye having been lost  
78 prior to the injury, weekly compensation during two hundred (200)  
79 weeks but not to exceed a total of sixty-eight hundred (\$6800.00)  
80 dollars.

81 18. For the loss of hearing in one ear, weekly compensation  
82 during fifty (50) weeks, but not to exceed a total of seventeen  
83 hundred (\$1700.00) dollars, and for the loss of hearing in both  
84 ears, weekly compensation during one hundred seventy-five (175)  
85 weeks, but not to exceed a total of fifty-nine hundred fifty  
86 (\$5950.00) dollars.

87 19. The loss of both arms, or both hands, or both feet, or  
88 both legs, or both eyes, or of any two thereof, caused by a  
89 single accident, shall equal a permanent total disability, to be  
90 compensated as such, but not to exceed a total of seventeen

91 thousand (\$17,000.00) dollars.

92 20. For permanent disfigurement of the face or head which  
93 shall impair the future usefulness of the employee in his  
94 occupation at the time of receiving the injury, weekly  
95 compensation for such period as may be determined by the  
96 industrial commissioner according to the severity of the  
97 disfigurement, during not to exceed one hundred fifty (150) weeks  
98 but in no event to exceed a total of fifty-one hundred (\$5100.00)  
99 dollars.

100 21. In those cases of permanent partial disability affecting  
101 a member or members of the body specifically referred to in  
102 subparagraphs 1 through 19 hereof, the compensation shall bear  
103 such relation to the periods of time, and the maximum amounts of  
104 compensation stated in each of said subparagraphs respectively as  
105 the disability bears to the disabilities produced by the injuries  
106 named therein.

107 22. In all cases of permanent partial disability other than  
108 those hereinbefore described or referred to in subparagraphs 1  
109 through 21, the compensation shall bear such relation to five  
110 hundred (500) weeks as the disability bears to the body of the  
111 injured employees as a whole, but not to exceed seventeen  
112 thousand (\$17,000.00) dollars.

113 (c) Total Permanent Disability. For an injury causing  
114 permanent total disability, the employer shall pay weekly  
115 compensation to the injured employee during the period of  
116 his disability, but not to exceed five hundred (500) weeks  
117 nor in any event to exceed seventeen thousand (\$17,000.00)  
118 dollars. No compensation shall be payable under this subsection  
119 for any injury for which compensation is payable under

120 paragraphs 1 through 22 of subsection (b) of this section.  
121 In the event compensation has been paid to any person under  
122 any provision of law other than this subsection (c), any such  
123 amounts so paid shall be deducted from the total amount of  
124 compensation determined to be payable under this subsection."

1 Sec. 12. Section eighty-five point thirty-seven (85.37),  
2 Code 1954, as amended, is hereby amended by striking the word  
3 "thirty-two" in line eight (8), and inserting in lieu thereof  
4 the word "thirty-four".

1 Sec. 13. Section eighty-five point fifty-four (85.54),  
2 Code 1954, is hereby amended as follows:

3 1. Insert in line six (6) immediately after the comma (,),  
4 the following: "(except contracts or agreements for 'special  
5 case settlements' as provided in section eighty-six point  
6 forty-four (86.44))".

7 2. Add to the end of said section, the following paragraph:  
8 "In the event the injured employee shall receive any benefits,  
9 including medical, surgical or hospital benefits, under any  
10 group plan covering nonoccupational disabilities contributed to  
11 wholly or partially by the employer, which benefits should not  
12 have been payable if any right or recovery existed under this  
13 chapter or chapter eighty-five A (85A), then such amounts so paid  
14 to said employee from any such group plan shall be credited to or  
15 against any compensation payments including medical, surgical or  
16 hospital, made or to be made under this chapter or chapter  
17 eighty-five A (85A). This paragraph shall not apply to payments  
18 made under any group plan which would have been payable  
19 irrespective of an accidental injury under this chapter or  
20 chapter eighty-five A (85A). Any employer receiving such credit

21 shall keep such employee safe and harmless from any and all  
22 claims or liabilities that may be made against him by reason of  
23 having received such payments only to the extent of such credit.  
24 Such credit of offset shall not be deemed a waiver within the  
25 meaning of this section."

26 In the event an employee has been paid benefits, indemnities  
27 or replacement compensation under a plan for the payment of  
28 supplemental benefits the cost of which is wholly or partially  
29 paid by the employer, and it is subsequently determined that any  
30 such payments should not have been made because liability  
31 therefor has been determined under this chapter or chapter  
32 eighty-five A (85A), then said payments so erroneously made  
33 shall be credited to or against any benefit payments to be made  
34 under the provisions of this chapter or chapter eighty-five A  
35 (85A).

1 Sec. 15. Section eighty-five point fifty-five (85.55), Code  
2 1954, is hereby amended by changing the period (.) in line six  
3 (6) to a comma (,), and by inserting the following immediately  
4 thereafter: "except insofar and to such extent, as such waiver  
5 or waivers are permitted under the provisions of section eighty-  
6 six point forty-four (86.44) providing for special case  
7 settlements."

1 Sec. 16. Section eighty-five point sixty-one (85.61), Code  
2 1954, is hereby amended as follows:

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

5 2. Strike subsections five (5) and six (6) and insert in lieu  
6 thereof the following:

7 "5. The words 'injury' or 'personal injury' or the plural of

8 said terms, shall be construed to mean as follows :

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

13 b. They shall include an aggravation by accident of a  
14 pre-existing occupational disease, and the employer shall be  
15 liable only for the degree of aggravation of the pre-existing  
16 occupational disease caused by the injury.

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

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

21 e. They shall not include injury caused by the willful act of  
22 a third person directed against an employee for reasons personal  
23 to such employee, or because of his employment.

24 f. They shall not include an occupational disease, nor any  
25 disease or infection not naturally and reasonably resulting from  
26 an injury, nor a progressive physical weakness or impairment.

27 6. The word 'accident' shall mean only an unexpected or  
28 unforeseen event happening suddenly and violently, other than  
29 an act of God, war, insurrection, or civil commotion, and  
30 producing at the time objective symptoms of injury."

31 3. Add at the end of said section a new subsection as  
32 follows :

33 "9. The words 'personal injury by accident arising out of  
34 and in the course of the employment' or words of similar import  
35 shall include injuries by accident to employees whose services  
36 are being performed on, in, or about the premises which are

37 occupied, used, or controlled by the employer, and also injuries  
38 by accident to those who are engaged elsewhere in places where  
39 their employer's business requires their presence and subjects  
40 them to dangers incident to the business."

1 Sec. 17. Chapter eighty-six (86), Code 1954, is hereby  
2 amended by adding a new section as follows:

3 "Special Case Settlements. At any time after a claim for  
4 compensation under the workmen's compensation law has been  
5 filed with the industrial commissioner, the claimant or his or  
6 her dependents as the case may be, may with the approval of the  
7 industrial commissioner, enter into an agreement with the  
8 employer or insurer of such employer providing for a final  
9 compromise and settlement of any and all claims which the said  
10 employee or his or her dependents might then or thereafter have  
11 under the provisions of the workmen's compensation law, upon  
12 such terms and conditions as the industrial commissioner shall in  
13 his discretion deem proper. Any such settlement when approved by  
14 the industrial commissioner shall be binding upon all parties  
15 thereto and final."

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30 2. Amend section 16 by striking from line  
31 9 the word "violence" and by substituting in lieu thereof  
32 the following: "specific incident resulting in injury"; and  
33 also strike from line twenty-eight (28) the words "and  
34 violently".

35 3. Correct the section numbers by changing sections  
36 fifteen (15), sixteen (16) and seventeen (17) to sections  
37 fourteen (14), fifteen (15) and sixteen (16) respectively.

Filed  
March 28, 1957.

By NOLAN.

SENATE FILE 362

1 Amend Senate File 362 as follows:

2 1. Amend section 13 by striking lines 7  
3 through 35 and by substituting in lieu thereof  
4 the following:

5 "2. Add to the end of said section the following paragraph:

6 'In the event the disabled employee shall receive any benefits,  
7 including medical, surgical or hospital benefits, under any group  
8 insurance plan covering occupational or nonoccupational disabilities  
9 contributed to wholly or partially by the employer, which benefits  
10 should not have been paid because this chapter or chapter eighty-  
11 five A (85A) provided benefits for such disability, then such  
12 amount so paid to said employee by any such group plan shall be  
13 credited to or against any compensation payments, including  
14 medical, surgical or hospital, made or to be made under this  
15 chapter or chapter eighty-five A (85A). This paragraph shall  
16 not apply to payments made under any group plan which would  
17 have been payable irrespective of an accidental injury under  
18 this chapter or chapter eighty-five A (85A). Any employer re-  
19 ceiving such credit shall keep such employee safe and harmless  
20 from any and all claims or liabilities that may be made against  
21 him by reason of having received such payments only to the extent  
22 of such credit. The employer and its workmen's compensation  
23 carrier, if any, shall be directly liable, jointly and severally,  
24 to the group insurer for the amount so paid under the group insur-  
25 ance plan and credited to or against such compensation payments,  
26 and they shall immediately reimburse such group insurer for the  
27 amount so paid and credited. Such credit or offset shall not be  
28 deemed a waiver within the meaning of section eighty-five point  
29 fifty-five (85.55).'"

*no plan 3-28*

