

CHAPTER 35
LIQUEFIED PETROLEUM GAS PUMPS
S.F. 225

AN ACT to require the metering, inspection and testing, sealing, and licensing of pumps used to dispense liquefied petroleum gas.

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

Section 1. Section 324.34, unnumbered paragraph 3, Code 1983, is amended to read as follows:

The department of revenue shall make reasonable rules governing the dispensing of special fuel by distributors, special fuel dealers and licensed special fuel users. The department shall require that all pumps located at special fuel dealer locations and licensed special fuel user locations through which fuel oil or liquefied petroleum gas can be dispensed, be metered, inspected, tested for accuracy, sealed and licensed by the state department of agriculture, and that special fuel delivered into the fuel supply tank of any motor vehicle or into a motor vehicle special fuel holding tank shall be dispensed only through tested metered pumps and may be sold without temperature correction or corrected to a temperature of sixty degrees. If the metered gallonage is to be temperature corrected, only a temperature compensated meter shall be used.

Approved April 28, 1983

CHAPTER 36
WORKERS' COMPENSATION COVERAGE
S.F. 51

AN ACT relating to workers' compensation coverage and employers' liability coverage provided to corporate officers who voluntarily reject workers' compensation coverage.

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

Section 1. Section 85.1, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. 4A. The president, vice president, secretary, and treasurer of a corporation other than a family farm corporation, not to exceed four officers per corporation, if such an officer knowingly and voluntarily rejects workers' compensation coverage pursuant to section 5 of this Act.

Sec. 2. Section 85.1, subsection 5, Code 1983, is amended to read as follows:

5. Employers, including employers of employees engaged in any type of service in or about a private dwelling, employers of persons whose employment is of a casual nature and not for the purpose of the employer's trade or business, and employers of persons engaged in agriculture, may with respect to an employee or person or a classification of employees exempt by subsections 1, 2 and 4 and subsection 3, paragraph "a" from coverage provided by this chapter pursuant to subsection 1, 2, 3, 4, or 4A, other than the employee or classification of employees with respect to whom a rule of liability or a method of compensation is established by the Congress of the United States, assume a liability for compensation imposed upon employers by this chapter, for the benefit of employees within the coverage of this chapter. Employers of employees, persons or classifications of employees exempted by paragraph "b" of subsection 3 may with respect to such employee, person or classification of employees assume a liability for compensation imposed upon employers by this chapter, by the purchase of valid workers' compensation insurance specifically including separate classifications for (a) such persons who are the spouse of the employer, parents, brothers, sisters, children and stepchildren of either the employer or the spouse of the employer, and the spouses of the brothers, sisters, children, and stepchildren of either the employer or the spouse of the employer, (b) persons engaged in exchanging labor and (c) officers of a family farm corporation, spouses of the officers, the parents, brothers, sisters, children, and stepchildren of either the officers or the spouses of the officers, and the spouses of the brothers, sisters, children, and stepchildren of either the officers or the spouses of the officers, and (d) the spouse of a partner of a partnership, the parents, brothers, sisters, children, and stepchildren of either a partner or the spouse of a partner, and the spouses of the brothers, sisters, children, and stepchildren of either a partner or the spouse of a partner the employee or classification of employees. The purchase of and acceptance by an employer of valid workers' compensation insurance applicable to such the employee or person or classification of employees constitutes an assumption by the employer of liability without any further act on the part of the employer, but only with respect to such the employee or person or classification of employees as are within the coverage of the workers' compensation insurance contract. If under this subsection an employer voluntarily elects to assume the liability for the payment of compensation to such employees or persons or classification of employees by the purchase of valid workers' compensation insurance, the liability of the employer takes effect and continues from the effective date of the workers' compensation insurance contract as long as and only for the time period in which the insurance contract is in force. Upon an election, of such coverage, the employee or person or classification of employees shall accept compensation in the manner provided by the this chapter and the employer shall be relieved from any other liability for recovery of damage, or other compensation for injury.

Sec. 3. Section 85.61, subsection 3, paragraph d, Code 1983, is amended by striking the paragraph.

Sec. 4. Section 87.21, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Any employer, except an employer with respect to an exempt as provided in employee under section 85.1 or a corporation exempt with respect to a corporate officer as provided in section 85.61, subsection 3, paragraph "d", who has failed to insure the employer's liability in one of the ways provided in this chapter, unless relieved from carrying such insurance as provided in section 87.11, is liable to an employee for a personal injury in the course of and arising out of the employment, and the employee may enforce the liability by an action at law for damages, or may collect compensation as provided in chapters 85, 85A, 85B, and 86. In actions by the employee for damages under this section, the following rules apply:

Sec. 5. NEW SECTION. CORPORATE OFFICER EXCLUSION FROM WORKERS' COMPENSATION OR EMPLOYERS' LIABILITY COVERAGE. The president, vice president, secretary, and treasurer of a corporation other than a family farm corporation, but not to exceed four officers per corporation, may exclude themselves from workers' compensation coverage under chapters 85, 85A, and 85B by knowingly and voluntarily rejecting workers' compensation coverage by signing, and attaching to the workers' compensation or employers' liability policy, initially and upon renewal of the policy, a written rejection, or if such a policy is not issued, by signing a written rejection which is witnessed by two disinterested individuals who are not, formally or informally, affiliated with the corporation and which is filed by the corporation with the industrial commissioner, in substantially the following form:

REJECTION OF WORKERS' COMPENSATION OR EMPLOYERS' LIABILITY COVERAGE

I understand that by signing this statement I reject the coverage of chapters 85, 85A, and 85B of the Code of Iowa relating to workers' compensation.

I understand that my rejection of the coverage of chapters 85, 85A, and 85B is not a waiver of any rights or remedies available to me or to others on my behalf in a civil action related to personal injuries sustained by me arising out of and in the course of my employment with the corporation.

I also understand that by signing this statement and checking alternative (1) below I reject employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the corporation. (Check either alternative (1) or (2):)

- (1) I reject the employers' liability coverage.
- (2) I decline to reject the employers' liability coverage.

Signed
 Corporate Office
 Date
 City, County, State of Residence
 Witness
 Witness

I also understand that the signing of this statement and checking of alternative (1) below by an authorized agent of the corporation rejects for the corporation employers' liability coverage for bodily injuries or death sustained by me arising out of and in the course of my employment with the corporation. (Check either alternative (1) or (2):)

- (1) The corporation rejects the employers' liability coverage.
- (2) The corporation declines to reject the employers' liability coverage.

Signed
 Relationship to Corporation
 Date
 City, County, State of Residence
 Witness
 Witness

The rejection of workers' compensation coverage is not enforceable if it is required as a condition of employment. A corporate officer who signs a written rejection filed with the industrial commissioner may terminate the rejection by signing a written notice of termination which is witnessed by two disinterested individuals, who are not, formally or informally, affiliated with the corporation and which is filed by the corporation with the industrial commissioner.

Sec. 6. NEW SECTION. ISSUANCE OF EMPLOYERS' LIABILITY COVERAGE. An insurer intending to issue a policy providing employers' liability insurance only and covering a

corporate officer excluded from workers' compensation coverage by the signing of a written rejection of workers' compensation coverage under section 5 of this Act, shall file the policy with and obtain the approval of the commissioner of insurance. The filing shall include the premium rates which will apply to the employers' liability coverage.

Sec. 7. A corporate officer employed on or before January 1, 1983 who chooses to sign an acceptance of exemption for calendar year 1983 under section 85.61, subsection 3, paragraph d, shall sign, and the corporation shall file, the acceptance of exemption any time prior to December 31, 1983.

Notwithstanding the sixty-day limitation in section 85.61, subsection 3, paragraph d, an acceptance of exemption for a newly employed officer may be signed and filed with the industrial commissioner at any time prior to December 31, 1983.

Sec. 8. This Act, being deemed of immediate importance, takes effect from and after its publication in the Audubon News-Advocate, a newspaper published in Audubon, Iowa, and in the Guthrie Center Times, a newspaper published in Guthrie Center, Iowa. However, sections 1 through 6 of this Act take effect January 1, 1984.

Approved April 15, 1983

I hereby certify that the foregoing Act, Senate File 51 was published in the Audubon News-Advocate, Audubon, Iowa on April 20, 1983 and in the Guthrie Center Times, Guthrie Center, Iowa on April 27, 1983.

MARY JANE ODELL, *Secretary of State*

CHAPTER 37
RULES OF EVIDENCE
S.F. 504

AN ACT relating to the repeal or modification of statutes and rules affected by the proposed Iowa rules of evidence.

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

Section 1. Section 232.74, Code 1983, is amended to read as follows:

232.74 EVIDENCE NOT PRIVILEGED OR EXCLUDED. Sections ~~622.7, 622.9 and 622.10~~ and any other statute or rule of evidence which excludes or makes privileged the testimony of a husband or wife against the other or the testimony of a health practitioner as to confidential communications, ~~shall do not~~ apply to evidence regarding a child's injuries or the cause thereof of the injuries in any judicial proceeding, civil or criminal, resulting from a report pursuant to this chapter or relating to the subject matter of such a report.

Sec. 2. Section 554.2724, Code 1983, is amended to read as follows:

554.2724 ADMISSIBILITY OF MARKET QUOTATIONS. ~~Whenever~~ If the prevailing price or value of any goods regularly bought and sold in any an established commodity market