

Senate Amendment 3204

Amendment Text

PAG LIN

1 1 Amend [Senate File 109](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. Section [85.71](#), Code 1997, is amended
1 5 to read as follows:
1 6 85.71

~~—EMPLOYMENT~~

~~— INJURY OUTSIDE OF STATE.~~

1 7 If an employee, while working outside the
1 8 territorial limits of this state, suffers an injury on
1 9 account of which the employee, or in the event of
1 10 death, the employee's dependents, would have been
1 11 entitled to the benefits provided by this chapter had
1 12 such injury occurred within this state, such employee,
1 13 or in the event of death resulting from such injury,
1 14 the employee's dependents, shall be entitled to the
1 15 benefits provided by this chapter,

~~— provided that~~

~~— if at~~

1 16 the time of such injury any of the following is
1 17 applicable:
1 18 1. The employment is principally localized in this
1 19 state, that is, the employee's employer has a place of
1 20 business in this or some other state and the employee
1 21 regularly works in this state, or if the employee's
1 22 employer has a place of business in this state and the
1 23 employee is domiciled in this state

~~— or~~

~~—~~

1 24 2. The employee is working under a contract of
1 25 hire made in this state in employment not principally
1 26 localized in any state

~~— or~~

~~—~~

1 27 3. The employee is working under a contract of
1 28 hire made in this state in employment principally
1 29 localized in another state, whose workers'
1 30 compensation law is not applicable to the employee's
1 31 employer

~~— or~~

~~—~~

1 32 4. The employee is working under a contract of
1 33 hire made in this state for employment outside the
1 34 United States.

1 35 Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS
1 36 MADE OUTSIDE OF STATE RESTRICTIONS CREDIT.

1 37 1. An employee, or an employee's dependents, shall
1 38 not be entitled to benefits under this chapter if the
1 39 employee or the employee's dependents receives
1 40 benefits through a settlement, judgment, or award, for
1 41 the same injury, disability, or death pursuant to the
1 42 laws of another state or country concerning workers'

1 43 compensation.

1 44 2. If an employee, or an employee's dependents,
1 45 files a claim for benefits pursuant to the laws of
1 46 another state or country concerning workers'
1 47 compensation, a claim by an employee, or an employee's
1 48 dependents, for workers' compensation benefits under
1 49 this chapter for the same injury, disability, or death
1 50 shall be stayed, without prejudice, pending resolution
2 1 of the out-of-state claim for benefits.

2 2 3. If benefits are paid under this chapter and
2 3 were previously paid for the same injury, disability,
2 4 or death pursuant to the laws of another state or
2 5 country concerning workers' compensation, the employer
2 6 shall have a credit concerning the benefits paid under
2 7 this chapter to the extent that benefits were paid in
2 8 another state or country."

2 9 #2. Title page, line 1, by striking the word
2 10 "employment" and inserting the following: "injuries
2 11 that occur and claims made".

2 12

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2 14

2 15 STEVE [KING](#)

2 16 [SF 109.202](#) 77

2 17 ec/jj/28