

Senate Amendment 3382

Amendment Text

PAG LIN

1 1 Amend [Senate File 109](#), as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 "Section 1. Section [85.71](#), Code 1997, is amended
1 6 to read as follows:
1 7 85.71

~~EMPLOYMENT~~

~~INJURY~~ OUTSIDE OF STATE.

1 8 If an employee, while working outside the
1 9 territorial limits of this state, suffers an injury on
1 10 account of which the employee, or in the event of
1 11 death, the employee's dependents, would have been
1 12 entitled to the benefits provided by this chapter had
1 13 such injury occurred within this state, such employee,
1 14 or in the event of death resulting from such injury,
1 15 the employee's dependents, shall be entitled to the
1 16 benefits provided by this chapter,

~~provided that~~

~~if at~~

1 17 the time of such injury any of the following is
1 18 applicable:
1 19 1. The employment is principally localized in this
1 20 state, that is, the employee's employer has a place of
1 21 business in this or some other state and the employee
1 22 regularly works in this state, or if the employee's
1 23 employer has a place of business in this state and the
1 24 employee is domiciled in this state

~~, or~~

1 25 2. The employee is working under a contract of
1 26 hire made in this state in employment not principally
1 27 localized in any state

~~, or~~

~~and the employee spends a~~

1 28 substantial part of the employee's working time
1 29 working for the employer in this state.
1 30 3. The employee is working under a contract of
1 31 hire made in this state in employment principally
1 32 localized in another state, whose workers'
1 33 compensation law is not applicable to the employee's
1 34 employer

~~, or~~

1 35 4. The employee is working under a contract of
1 36 hire made in this state for employment outside the
1 37 United States.
1 38 Sec. 2. NEW SECTION. 85.72 CLAIMS FOR BENEFITS
1 39 MADE OUTSIDE OF STATE RESTRICTIONS CREDIT.
1 40 1. An employee, or an employee's dependents, shall
1 41 not be entitled to benefits under this chapter if the
1 42 employee or the employee's dependents has initiated a

1 43 judicial proceeding or a contested case or other
1 44 similar proceeding for the same injury, disability, or
1 45 death pursuant to the laws of another state or country
1 46 concerning workers' compensation, and the employee or
1 47 the employee's dependents receives benefits following
1 48 resolution of the proceeding pursuant to a settlement,
1 49 judgment, or award.

1 50 2. If an employee, or an employee's dependents,
2 1 initiates a judicial proceeding or a contested case or
2 2 other similar proceeding for benefits pursuant to the
2 3 laws of another state or country concerning workers'
2 4 compensation, any proceeding initiated by an employee,
2 5 or an employee's dependents, for workers' compensation
2 6 benefits under this chapter for the same injury,
2 7 disability, or death shall be stayed, without
2 8 prejudice, pending resolution of the out-of-state
2 9 claim for benefits.

2 10 3. If benefits are paid under this chapter and
2 11 were payable, at any time, for the same injury,
2 12 disability, or death pursuant to the laws of another
2 13 state or country concerning workers' compensation, the
2 14 employer shall have a credit toward the benefits
2 15 payable under this chapter for any benefits paid in
2 16 another state or country."

2 17 #2. Title page, line 1, by striking the word
2 18 "employment" and inserting the following: "injuries
2 19 that occur and claims made".

2 20 [SF 109H](#)

2 21 ec/pk/25