

House Amendment 1618

PAG LIN

1 1 Amend House File 791 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 85.3, subsection 1, Code 2009,
1 5 is amended to read as follows:
1 6 1. Every employer, not specifically excepted by
1 7 the provisions of this chapter, shall provide, secure,
1 8 and pay compensation according to the provisions of
1 9 this chapter for any and all personal injuries
1 10 sustained by an employee arising out of and in the
1 11 course of the employment, and in such cases, the
1 12 employer shall be relieved from other liability for
1 13 recovery of damages or other compensation for such
1 14 personal injury. For the purposes of this chapter, a
1 15 personal injury sustained by an employee shall be
1 16 characterized as either a traumatic injury or a
1 17 cumulative injury.
1 18 a. A traumatic injury does not arise out of the
1 19 course of employment for the purposes of this chapter
1 20 unless the traumatic injury is a natural incident of
1 21 an employment activity of the employee or a reasonable
1 22 consequence of a hazard associated with an employment
1 23 activity of the employee. The trauma must be one that
1 24 would be considered to be more than slight by the
1 25 average person.
1 26 b. A cumulative injury does not arise out of the
1 27 course of employment for the purposes of this chapter
1 28 unless all of the following are shown:
1 29 (1) The employment activity that is alleged to be
1 30 the cause of the cumulative injury or to have
1 31 significantly aggravated a preexisting condition is
1 32 the single most substantial factor contributing to the
1 33 cumulative injury.
1 34 (2) The cumulative injury, at the time of its
1 35 occurrence, would not be expected to occur as the
1 36 result of the normal aging process absent an
1 37 employment activity of the employee.
1 38 (3) The employment activity that is alleged to be
1 39 the single most substantial factor contributing to the
1 40 cumulative injury is not an activity commonly engaged
1 41 in by the employee in the normal nonemployment life of
1 42 the employee.>
1 43 #2. Title page, line 1, by inserting after the
1 44 word <to> the following: <workers compensation laws,
1 45 including the characterization of work-related
1 46 injuries and>.
1 47 #3. By renumbering as necessary.
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2 1 HORBACH of Tama
2 2 HF 791.702 83
2 3 av/sc/23331