



OFFICE OF THE GOVERNOR

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 16, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2542, an Act concerning work-related injuries suffered and claims made outside of this state.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2542

AN ACT
CONCERNING WORK-RELATED INJURIES SUFFERED AND CLAIMS MADE
OUTSIDE OF THIS STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 85.71, Code 2007, is amended to read as follows:

85.71 INJURY OUTSIDE OF STATE.

1. If an employee, while working outside the territorial limits of this state, suffers an injury on account of which the employee, or in the event of death, the employee's dependents, would have been entitled to the benefits provided by this chapter had such injury occurred within this state, such employee, or in the event of death resulting from such injury, the employee's dependents, shall be entitled to the benefits provided by this chapter, if at the time of such injury any of the following is applicable:

1- a. ~~The employment-is-principally-localized-in-this state,-that-is,-the-employee's~~ employer has a place of business in this ~~or-some-other~~ state and the employee regularly works ~~in-this-state,-or-if-the-employee's-employer has-a~~ at or from that place of business ~~in-this-state-and-the employee-is-domiciled-in-this-state.~~

2- ~~The-employee-is-working-under-a-contract-of-hire-made in-this-state-in-employment-not-principally-localized-in-any state-and-the-employee-spends-a-substantial-part-of-the employee's-working-time-working-for-the-employer-in-this state-~~

3- b. The employee is working under a contract of hire made in this state ~~in-employment-principally-localized-in~~

~~another state, whose workers' compensation law is not applicable to the employee's employer and the employee regularly works in this state.~~

c. The employee is working under a contract of hire made in this state and sustains an injury for which no remedy is available under the workers' compensation laws of another state.

~~4. d.~~ The employee is working under a contract of hire made in this state for employment outside the United States.

~~5. e.~~ The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law.

2. This section shall be construed to confer personal jurisdiction over an employee or employer to whom the section is applicable.

Sec. 2. Section 85.72, Code 2007, is amended to read as follows:

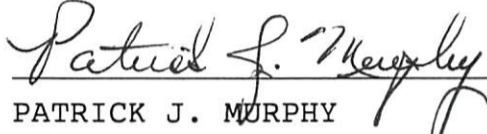
85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE --
RESTRICTIONS -- CREDIT.


1. An employee, or an employee's dependents, shall not be entitled to benefits under this chapter if the employee or the employee's dependents have initiated a judicial proceeding or a contested case or other similar proceeding for the same injury, disability, or death pursuant to the laws of another state or country concerning workers' compensation, and the employee or the employee's dependents receive benefits following final resolution of the proceeding pursuant to a settlement, judgment, or award.

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


3. If benefits are paid under this chapter and were payable, at any time, for the same injury, disability, or

death pursuant to the laws of another state or country concerning workers' compensation, the employer shall have a credit toward the benefits payable under this chapter for any benefits paid in another state or country. Benefits paid in another state or country constitute weekly compensation benefits for the purposes of sections 85.26 and 86.13.

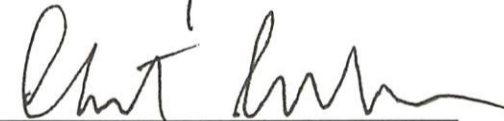

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2542, Eighty-second General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved 4/16, 2008


CHESTER J. CULVER
Governor