

MAR 13 1974

Place On Calendar

Human Resources Committee, Room 403

HOUSE FILE 1426

By COMMITTEE ON HUMAN AND INDUSTRIAL RELATIONS

Passed House, Date 4-2-74 (1415) Passed Senate, Date 5-1-74 (1337)

Vote: Ayes 38 Nays 24 Vote: Ayes 41 Nays 8

Approved 5-27-74

*Referred to committee for 4-5 (1411) returned 4-16
Passed 4-12-74 (1774)
83-0*

A BILL FOR

1 An Act to provide that the right to workmen's compensation
 2 shall be the exclusive remedy to an employee against his
 3 employer or fellow employee on account of injury or
 4 occupational disease.

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

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1 Section 1. Section eighty-five point twenty (85.20), Code
2 1973, is amended to read as follows:

3 85.20 RIGHTS OF EMPLOYEE EXCLUSIVE. The rights and remedies
4 provided in this chapter or chapter eighty-five A (85A) of the Code
5 for an employee on account of injury or occupational disease
6 for which benefits under this chapter or chapter eighty-five
7 A (85A) of the Code, are recoverable, shall be the exclusive
8 of-all-other and only rights and remedies of such employee,
9 his personal or legal representatives, dependents, or next
10 of kin, at common law or otherwise, on account of such injury
11 or occupational disease against his employer or any employee
12 of such employer while in the course of his employment at
13 the time such injury or occupational disease was sustained
14 or incurred.

15 Sec. 2. Section eighty-five point twenty-two (85.22),
16 unnumbered paragraph one (1), Code 1973, is amended to read
17 as follows:

18 When an employee receives an injury or incurs an occupational
19 disease for which compensation is payable under this chapter
20 or chapter eighty-five A (85A) of the Code, and which injury
21 or occupational disease is caused under circumstances creat-
22 ing a legal liability against some person, other than the
23 his employer or any employee of such employer as provided
24 in section eighty-five point twenty (85.20) of the Code,
25 to pay damages, the employee, or his dependent, or the trustee
26 of such dependent, may take proceedings against his employer
27 for compensation, and the employee or, in case of death, his
28 legal representative may also maintain an action against such
29 third party for damages. When an injured employee or his
30 legal representative brings an action against such third
31 party, a copy of the original notice shall be served upon the
32 employer by the plaintiff, not less than ten days before the
33 trial of the case, but a failure to give such notice shall
34 not prejudice the rights of the employer, and the following
35 rights and duties shall ensue:

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EXPLANATION

2 This bill requires employers to pay the cost of injuries
3 that arise out of and in the course of employment, and pre-
4 vents lawsuits against fellow employees.

H-2661

1 Amend House File 1426 as follows:

2 1. Page 2 by striking lines 11 through 14 and
3 inserting in lieu thereof the following:
4 "or occupational disease against:
5 (1) his employer; or
6 (2) any other employee of such employer,
7 provided that such injury or occupational
8 disease arises out of and in the course
9 of such employment and is not caused by
10 the other employee's willful intent to
11 injure or by the other employee's act or
12 conduct in reckless disregard of the
13 safety of the injured employee."

H-2661 Filed *adopted 4/2, Resubmitted* By BROCKETT of Marshall
March 27, 1974 *amended and adopted 4/15* MILLEN of Van Buren

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H-2871

1 Amend the Brockett - Millen amendment, H-2661 to
2 House File 1426 as follows:
3 1. By striking all after the word "employee's" in
4 line 10 and all of lines 11, 12 and 13, and inserting
5 in lieu thereof the following: "gross negligence
6 amounting to such lack of care as to amount to wanton
7 neglect for the safety of another."

H-2871 Filed *Adopted 4/15* By CAFFREY of Polk
April 15, 1974

S-2967

1 Amend House File 1426 as amended and passed by the
2 House as follows:
3 1. Page 2, by striking lines 16, 17, and 18
4 and inserting in lieu thereof the following:
5 "other employee's gross negligence."

S-2967 Filed and lost By DODERER and McCARTNEY
May 1, 1974

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S-2973

1 Amend House File 1426, as amended and passed by the
2 House, as follows:
3 1. Page 2, by adding before line 19 the following:
4 "Provided, however, this section shall not apply to
5 an employee who injures or causes the death of a fellow
6 employee by the operation or use of a motor vehicle or
7 aircraft that is not owned or leased by his employer."

S-2973 Filed and lost By DODERER
May 1, 1974

S-2979

1 Amend the Doderer amendment S-2973, to House File
2 1426, as amended and passed by the House, line 7 by
3 inserting a period after the word "aircraft" and by
4 striking the remainder of line 7.

S-2979 Filed and lost By RILEY
May 1, 1974

S-2876

1 Amend House File 1426, as amended and passed by the
2 House, page 2, lines 16, 17 and 18 by striking the
3 words "gross negligence amounting to such lack of care
4 as to amount to wanton neglect for the safety of
5 another" and inserting in lieu thereof the words "con-
6 duct amounting to such lack of care as to constitute a
7 total disregard of any safety rule or regulation,
8 which safety rule or regulation was for the benefit of
9 the employee bringing such action, and which safety
10 rule or regulation was known, or in the exercise of
11 reasonable care should have been known, by the employee
12 against whom such action is brought".

S-2876 Filed *April 25/74* By DODERER
April 25, 1974

S-2889

1 Amend House File 1426, as amended and passed by the
2 House, page 2, by adding the following section after
3 line 39:
4 Sec. ____ Chapter eighty-five (85), Code 1973,
5 is amended by adding the following new section:
6 NEW SECTION. If an injury or death for which
7 benefits are payable under this chapter or chapter
8 eighty-five A (85A) of the Code is caused by the
9 serious or willful misconduct of the employer or any
10 employee of such employer holding a supervisory or
11 managing position or performing a supervisory or
12 managing function, the weekly compensation amount
13 payable to the injured employee or his dependents
14 in case of death shall be doubled.

S-2889 Filed *April 25/74* By GALLAGHER and DODERER
April 25, 1974

S-2878

1 Amend House File 1426, as amended and passed by the
2 House, as follows:
3 1. Page 2, line 16 by striking the word "gross".
4 2. Page 2, line 17 by striking the word "wanton".

S-2878 Filed *April 25/74* By GALLAGHER
April 25, 1974