

3-6-97 Do Pass
4/3/97 placed on unfinished Business Calendar

JAN 31 1997

LABOR & INDUSTRIAL RELATIONS

Substituted by SF 109 4/7/97 (p. 1020)

HOUSE FILE 118
BY RANTS and KLEMME

WITHDRAWN
4-7-97 (p. 1025)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to workers' compensation coverage for employment
2 outside of the state.

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

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WITHDRAWN

HOUSE FILE 118

H-1164

1 Amend House File 118 as follows:
2 1. Page 1, by striking lines 6 through 8 and
3 inserting the following: "this state, or if the
4 employee's employer has a place of business in this
5 state and the employee is domiciled in this state,
6 or".

By MURPHY of Dubuque

H-1164 FILED MARCH 12, 1997

w/d 4/7/97 (p. 1020)

HF 118

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1 Section 1. Section 85.71, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The employment is principally localized in this state,
4 that is, the employee's employer has a place of business in
5 this or some other state and the employee regularly works in
6 this state, or if the employee is domiciled in this state and
7 the employee spends a substantial part of the employee's
8 working time working for the employer in this state, or

9 EXPLANATION

10 This bill provides that an employee who is injured while
11 working outside of this state is entitled to Iowa workers'
12 compensation benefits if the employee is domiciled in this
13 state and spends a substantial part of the employee's working
14 time in this state. Current law allows coverage if the
15 employee is merely domiciled in this state.

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MARCH 24, 1997

HOUSE FILE 118

H-1272

1 Amend House File 118 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 85.3, subsection 2, Code 1997,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 2. Any employer who is a nonresident of this state
8 who makes a contract of employment with a resident of
9 this state to be performed in whole or in part by
10 either party in this state, or a foreign corporation
11 lawfully qualified to transact business in this state
12 under chapter 490, shall be deemed to be doing
13 business in this state and shall be subject to this
14 chapter, chapters 85A, 85B, 86, and 87, the
15 jurisdiction of the industrial commissioner and
16 service of process or original notice in the manner
17 provided by section 617.3.

18 Sec. 2. Section 85.71, subsections 1 through 4,
19 Code 1997, are amended by striking the subsections and
20 inserting in lieu thereof the following:

21 1. The employer is a resident of this state and
22 the employee is domiciled in this state, or

23 2. The employer is doing business in this state
24 and the employee is domiciled in this state, or

25 3. The contract of hire was made in this state and
26 the workers' compensation law of another state is not
27 applicable to the employee's employer.

28 Sec. 3. Section 86.11, Code 1997, is amended to
29 read as follows:

30 86.11 REPORTS OF INJURIES.

31 Every employer shall hereafter keep a record of all
32 injuries, fatal or otherwise, alleged by an employee
33 to have been sustained in the course of the employee's
34 employment and resulting in incapacity for a longer
35 period than one day. If the injury results only in
36 temporary disability, causing incapacity for a longer
37 period than three days ~~except-as-provided-in-section~~
38 ~~86-36-then-within-four-days~~ thereafter, not counting
39 Sundays and legal holidays, the employer or insurance
40 carrier having had notice or knowledge of the
41 occurrence of such injury and resulting disability,
42 shall file a written report with the industrial
43 commissioner on forms to be procured from the
44 commissioner for that purpose. If such injury to the
45 employee results in permanent total disability,
46 permanent partial disability or death, then the
47 employer or insurance carrier upon notice or knowledge
48 of the occurrence of the employment injury, shall file
49 a report with the industrial commissioner, within four
50 days after having notice or knowledge of the permanent

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1 injury to the employee or the employee's death. The
2 report to the industrial commissioner of injury shall
3 be without prejudice to the employer or insurance
4 carrier and shall not be admitted in evidence or used
5 in any trial or hearing before any court, the
6 industrial commissioner or a deputy industrial
7 commissioner except as to the notice under section
8 85.23.

9 Sec. 4. Section 86.36, Code 1997, is repealed."

10 2. Title page, line 1, by inserting after the
11 word "compensation" the following: "concerning
12 nonresident employers and".

By MURPHY of Dubuque

H-1272 FILED MARCH 20, 1997

w/d 4/1/97 (p. 1020)