

FEB 26 2004  
Place On Calendar

HOUSE FILE 2379  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HSB 554)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the characterization of personal injuries for  
2 purposes of workers' compensation liability.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2379

1 Section 1. Section 85.3, subsection 1, Code 2003, is  
2 amended to read as follows:

3 1. Every employer, not specifically excepted by the  
4 provisions of this chapter, shall provide, secure, and pay  
5 compensation according to the provisions of this chapter for  
6 any and all personal injuries sustained by an employee arising  
7 out of and in the course of the employment, and in such cases,  
8 the employer shall be relieved from other liability for  
9 recovery of damages or other compensation for such personal  
10 injury. For the purposes of this chapter, a personal injury  
11 sustained by an employee shall be characterized as either a  
12 traumatic injury or a cumulative injury.

13 a. A traumatic injury does not arise out of the course of  
14 employment for the purposes of this chapter unless the  
15 traumatic injury is a natural incident of an employment  
16 activity of the employee or a reasonable consequence of a  
17 hazard associated with an employment activity of the employee.  
18 The trauma must be one that would be considered to be more  
19 than slight by the average person.

20 b. A cumulative injury does not arise out of the course of  
21 employment for the purposes of this chapter unless all of the  
22 following are shown:

23 (1) The employment activity that is alleged to be the  
24 cause of the cumulative injury or to have significantly  
25 aggravated a preexisting condition is the single most  
26 substantial factor contributing to the cumulative injury.

27 (2) The cumulative injury, at the time of its occurrence,  
28 would not be expected to occur as the result of the normal  
29 aging process absent an employment activity of the employee.

30 (3) The employment activity that is alleged to be the  
31 single most substantial factor contributing to the cumulative  
32 injury is not an activity commonly engaged in by the employee  
33 in the normal nonemployment life of the employee.

34 EXPLANATION

35 This bill amends Code section 85.3, subsection 1, to

1 provide that for the purposes of Code chapter 85, a personal  
2 injury sustained by an employee shall be characterized as  
3 either a traumatic injury or a cumulative injury.

4 The bill provides that a traumatic injury does not arise  
5 out of the course of employment for workers' compensation  
6 purposes unless the traumatic injury is a natural incident of  
7 an employment activity of the employee, or a reasonable  
8 consequence of a hazard associated with an employment activity  
9 of the employee. The trauma must be one that would be  
10 considered to be more than slight by the average person.

11 The bill also provides that a cumulative injury does not  
12 arise out of the course of employment unless the cumulative  
13 injury is caused by an employment activity that is alleged to  
14 be the cause of the cumulative injury, or to have  
15 significantly aggravated a preexisting condition, that is the  
16 single most substantial factor contributing to the cumulative  
17 injury; the cumulative injury, at the time of its occurrence,  
18 would not be expected to occur as the result of the normal  
19 aging process absent an employment activity of the employee;  
20 and the employment activity that is alleged to be the single  
21 most substantial factor contributing to the cumulative injury  
22 is not an activity commonly engaged in by the employee in the  
23 normal nonemployment life of the employee.

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HSB 554

HDRBACH, CH.  
HOFFMAN  
TAYLOR, T.

COMMERCE, REGULATION & LABOR

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION AND  
LABOR BILL BY CHAIRPERSON  
JENKINS)

added R.  
S. 2379

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the characterization of personal injuries for  
2 purposes of workers' compensation liability.

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

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2 amended to read as follows:

3 1. Every employer, not specifically excepted by the  
4 provisions of this chapter, shall provide, secure, and pay  
5 compensation according to the provisions of this chapter for  
6 any and all personal injuries sustained by an employee arising  
7 out of and in the course of the employment, and in such cases,  
8 the employer shall be relieved from other liability for  
9 recovery of damages or other compensation for such personal  
10 injury. For the purposes of this chapter, a personal injury  
11 sustained by an employee shall be characterized as either a  
12 traumatic injury or a cumulative injury.

13 a. A traumatic injury is an injury to the body that comes  
14 about not through the natural building up and tearing down of  
15 the human body, but because of a traumatic or other hurt or  
16 damage to the health or body of an employee.

17 b. A cumulative injury is an injury to the body that is  
18 gradual and progressive in nature and does not necessarily  
19 result from a sudden and unexpected traumatic event.

20 2. A traumatic injury does not arise out of and in the  
21 course of employment for the purposes of this chapter unless  
22 the traumatic injury is a natural incident of an employment  
23 activity of the employee or a reasonable consequence of a  
24 hazard associated with an employment activity of the employee.

25 3. A cumulative injury does not arise out of and in the  
26 course of employment for the purposes of this chapter unless  
27 all of the following are shown:

28 a. The cumulative injury is caused by an employment  
29 activity that is the single most substantial factor  
30 contributing to the cumulative injury, or is a significant  
31 aggravation of a preexisting condition, that is caused by an  
32 employment activity.

33 b. The cumulative injury, at the time of its occurrence,  
34 would not be expected to occur as the result of the normal  
35 aging process absent an employment activity of the employee.

1 c. The employment activity that is alleged to be the  
 2 single most substantial factor contributing to the cumulative  
 3 injury is not an activity commonly engaged in by the employee  
 4 or by an average person in the normal nonemployment life of  
 5 the employee or average person.

6 EXPLANATION

7 This bill amends Code section 85.3, subsection 1, to  
 8 provide that for the purposes of Code chapter 85, a personal  
 9 injury sustained by an employee shall be characterized as  
 10 either a traumatic injury or a cumulative injury. A traumatic  
 11 injury is defined to mean an injury to the body that comes  
 12 about not through the natural building up and tearing down of  
 13 the human body, but because of a traumatic or other hurt or  
 14 damage to the health or body of an employee. A cumulative  
 15 injury is defined to mean an injury to the body that is  
 16 gradual and progressive in nature and does not necessarily  
 17 result from a sudden and unexpected traumatic event.

18 The bill provides that a traumatic injury does not arise  
 19 out of and in the course of employment for workers'  
 20 compensation purposes unless the traumatic injury is a natural  
 21 incident of an employment activity of the employee, or a  
 22 reasonable consequence of a hazard associated with an  
 23 employment activity of the employee.

24 The bill also provides that a cumulative injury does not  
 25 arise out of and in the course of employment unless the  
 26 cumulative injury is caused by an employment activity that is  
 27 the single most substantial factor contributing to the  
 28 cumulative injury, or is a significant aggravation of a  
 29 preexisting condition, that is caused by an employment  
 30 activity; the cumulative injury, at the time of its  
 31 occurrence, would not be expected to occur as the result of  
 32 the normal aging process absent an employment activity of the  
 33 employee; and the employment activity that is alleged to be  
 34 the single most substantial factor contributing to the  
 35 cumulative injury is not an activity commonly engaged in by

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 the employee or by an average person in the normal  
2 nonemployment life of the employee or average person.

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