

House Study Bill 281

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION
AND LABOR BILL BY
CHAIRPERSON HANSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act modifying workers' compensation disability coverage in
2 certain instances.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2285YC 80
5 av/cl/14

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1 1 Section 1. Section 85.34, subsection 2, unnumbered
1 2 paragraph 1, Code 2003, is amended to read as follows:
1 3 Compensation for permanent partial disability shall begin
1 4 at the termination of the healing period provided in
1 5 subsection 1. The compensation shall be in addition to the
1 6 benefits provided by sections 85.27 and 85.28. The
1 7 compensation shall be based only upon the extent of the
1 8 disability related to the injury received and upon the basis
1 9 of eighty percent per week of the employee's average spendable
1 10 weekly earnings, but not more than a weekly benefit amount,
1 11 rounded to the nearest dollar, equal to one hundred eighty=
1 12 four percent of the statewide average weekly wage paid
1 13 employees as determined by the department of workforce
1 14 development under section 96.19, subsection 36, and in effect
1 15 at the time of the injury. The minimum weekly benefit amount
1 16 shall be equal to the weekly benefit amount of a person whose
1 17 gross weekly earnings are thirty=five percent of the statewide
1 18 average weekly wage. For all cases of permanent partial
1 19 disability compensation shall be paid as follows:

1 20 Sec. 2. Section 85B.4, subsection 3, Code 2003, is amended
1 21 to read as follows:

1 22 3. "Occupational hearing loss" means that portion of a
1 23 permanent sensorineural loss of hearing in one or both ears
1 24 that exceeds an average hearing level of twenty=five decibels
1 25 for the frequencies five hundred, one thousand, two thousand,
1 26 and three thousand Hertz, arising out of and in the course of
1 27 employment caused by excessive noise exposure. "Occupational
1 28 hearing loss" includes all injury, hearing loss, and
1 29 disability caused by tinnitus. "Occupational hearing loss"
1 30 does not include loss of hearing attributable to age or any
1 31 other condition or exposure not arising out of and in the
1 32 course of employment.

1 33 Sec. 3. Section 85B.6, Code 2003, is amended to read as
1 34 follows:

1 35 85B.6 MAXIMUM COMPENSATION.

2 1 Compensation is payable for a maximum of one hundred
2 2 seventy=five weeks for total occupational hearing loss. For
2 3 partial occupational hearing loss compensation is payable for
2 4 a period proportionate to the relation which the calculated
2 5 binaural, both ears, hearing loss bears to one hundred
2 6 percent, or total loss of hearing. An occupational hearing
2 7 loss that is accompanied by tinnitus may be assessed at an
2 8 additional percentage hearing loss of up to and including five
2 9 percent, upon a showing that the tinnitus substantially limits
2 10 the employee's ability to perform one or more major life
2 11 activities.

EXPLANATION

2 12 This bill modifies workers' compensation disability
2 13 coverage in certain circumstances. The bill provides that
2 14 workers' compensation for permanent partial disability shall
2 15 be based only upon the extent of the disability related to the
2 16 work=related injury received.

2 17 The bill provides that an "occupational hearing loss"
2 18 includes all injury, hearing loss, and disability caused by
2 19 tinnitus. The bill also provides that an employee with an
2 20 occupational hearing loss that is accompanied by tinnitus may

2 22 be assessed at an additional percentage hearing loss of up to
2 23 and including 5 percent, upon a showing that the tinnitus
2 24 substantially limits the employee's ability to perform one or
2 25 more major life activities.
2 26 LSB 2285YC 80
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