

House Study Bill 653

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON LABOR
BILL BY CHAIRPERSON OLSON)

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

A BILL FOR

1 An Act concerning work-related injuries suffered and claims made
2 outside of this state and workers' compensation proceedings to
3 reopen awards for payments or agreements for settlement of
4 contested cases.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5794YC 82
7 av/nh/14

PAG LIN

1 1 Section 1. Section 85.71, Code 2007, is amended to read as
1 2 follows:
1 3 85.71 INJURY OUTSIDE OF STATE.
1 4 1. If an employee, while working outside the territorial
1 5 limits of this state, suffers an injury on account of which
1 6 the employee, or in the event of death, the employee's
1 7 dependents, would have been entitled to the benefits provided
1 8 by this chapter had such injury occurred within this state,
1 9 such employee, or in the event of death resulting from such
1 10 injury, the employee's dependents, shall be entitled to the
1 11 benefits provided by this chapter, if at the time of such
1 12 injury any of the following is applicable:
1 13 ~~1. a. The employment is principally localized in this~~
~~1 14 state, that is, the employee's employer has a place of~~
1 15 business in this or some other state and the employee
1 16 regularly works in this state, or if the employee's employer
~~1 17 has a at or from that place of business in this state and the~~
~~1 18 employee is domiciled in this state.~~
1 19 ~~2. The employee is working under a contract of hire made~~
~~1 20 in this state in employment not principally localized in any~~
~~1 21 state and the employee spends a substantial part of the~~
~~1 22 employee's working time working for the employer in this~~
~~1 23 state.~~
1 24 ~~3. b. The employee is working under a contract of hire~~
1 25 made in this state in employment principally localized in
~~1 26 another state, whose workers' compensation law is not~~
~~1 27 applicable to the employee's employer and the employee~~
1 28 regularly works in this state.
1 29 c. The employee is working under a contract of hire made
1 30 in this state and sustains an injury for which no remedy is
1 31 available under the workers' compensation laws of another
1 32 state.
1 33 ~~4. d. The employee is working under a contract of hire~~
1 34 made in this state for employment outside the United States.
1 35 ~~5. e. The employer has a place of business in Iowa, and~~
2 1 the employee is working under a contract of hire which
2 2 provides that the employee's workers' compensation claims be
2 3 governed by Iowa law.
2 4 2. This section shall be construed to confer personal
2 5 jurisdiction over an employee or employer to whom the section
2 6 is applicable.
2 7 Sec. 2. Section 85.72, Code 2007, is amended to read as
2 8 follows:
2 9 85.72 CLAIMS FOR BENEFITS MADE OUTSIDE OF STATE ==
2 10 RESTRICTIONS == CREDIT.
2 11 1. An employee, or an employee's dependents, shall not be
2 12 entitled to benefits under this chapter if the employee or the
2 13 employee's dependents have initiated a judicial proceeding or
2 14 a contested case or other similar proceeding for the same
2 15 injury, disability, or death pursuant to the laws of another
2 16 state or country concerning workers' compensation, and the

2 17 employee or the employee's dependents receive benefits
2 18 following final resolution of the proceeding pursuant to a
2 19 settlement, judgment, or award.
2 20 2. If an employee, or an employee's dependents, initiate a
2 21 judicial proceeding or a contested case or other similar
2 22 proceeding for benefits pursuant to the laws of another state
2 23 or country concerning workers' compensation, any proceeding
2 24 initiated by an employee, or an employee's dependents, for
2 25 workers' compensation benefits under this chapter for the same
2 26 injury, disability, or death shall be stayed, without
2 27 prejudice, pending resolution of the out-of-state claim for
2 28 benefits.

2 29 3. If benefits are paid under this chapter and were
2 30 payable, at any time, for the same injury, disability, or
2 31 death pursuant to the laws of another state or country
2 32 concerning workers' compensation, the employer shall have a
2 33 credit toward the benefits payable under this chapter for any
2 34 benefits paid in another state or country. Benefits paid in
2 35 another state or country constitute weekly compensation

3 1 benefits for the purposes of sections 85.26 and 86.13.
3 2 Sec. 3. Section 86.14, subsection 2, Code 2007, is amended
3 3 to read as follows:

3 4 2. In a proceeding to reopen an award for payments or
3 5 agreement for settlement as provided by section 86.13, inquiry
3 6 shall be into whether or not the condition of the employee
3 7 warrants an end to, diminishment of, or increase of
3 8 compensation so awarded or agreed upon. A factor that could
3 9 have been considered by the parties in assessing the extent of
3 10 the employee's earning capacity and that existed or was known
3 11 about by the parties at the time of the prior award or
3 12 agreement for settlement shall not bar a proceeding to reopen
3 13 the award or agreement unless the factor was considered by the
3 14 parties at the time of the award or agreement and was properly
3 15 reflected in the amount of compensation paid. Such factors
3 16 shall include but are not limited to a change in the
3 17 claimant's underlying medical condition, cessation of
3 18 accommodation by the claimant's employer, a change in economic
3 19 factors, or a change in other factors considered in assessing
3 20 the extent of the employee's earning capacity.

3 21 EXPLANATION

3 22 This bill concerns work-related injuries suffered and
3 23 claims made outside of this state and workers' compensation
3 24 proceedings to reopen awards for payments or agreements for
3 25 settlement of contested cases.

3 26 Code section 85.71 is amended to allow workers'
3 27 compensation claims to be made in this state for injuries
3 28 suffered by an employee while working outside the state when:
3 29 (1) the employer has a place of business in this state and the
3 30 employee regularly works at or from that place of business;
3 31 (2) the employee is working under a contract of hire made in
3 32 this state and sustains an injury for which no remedy is
3 33 available under the workers' compensation laws of another
3 34 state; (3) the employee is working under a contract of hire
3 35 made in this state for employment outside the United States;
4 1 and (4) the employer has a place of business in Iowa, and the
4 2 employee is working under a contract of hire which provides
4 3 that the employee's workers' compensation claims be governed
4 4 by Iowa law. The bill also provides that this section shall
4 5 be construed to confer personal jurisdiction over an employee
4 6 or employer to whom the section is applicable.

4 7 Code section 85.72 is amended to provide that workers'
4 8 compensation benefits paid in another state or country
4 9 constitute weekly compensation benefits for the purposes of
4 10 Code section 85.26, concerning limitation of actions, and Code
4 11 section 86.13, concerning compensation payments.

4 12 Code section 86.14 is amended to provide that a workers'
4 13 compensation proceeding to reopen an award for payments or
4 14 agreement for settlement is not barred by the existence of a
4 15 factor that could have been considered by the parties in
4 16 assessing the extent of the employee's earning capacity and
4 17 existed or was known by the parties at the time of the prior
4 18 award, unless the factor was considered by the parties at the
4 19 time of the prior award or agreement and was properly
4 20 reflected in the compensation paid.

4 21 LSB 5794YC 82

4 22 av/nh/14