

Senate File 299 - Introduced

SENATE FILE _____
BY McKINLEY

Passed Senate, Date _____ Passed House, 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:
4 TLSB 1762XS 82
5 av/cf/24

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1 1 Section 1. Section 85.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Every employer, not specifically excepted by the
1 4 provisions of this chapter, shall provide, secure, and pay
1 5 compensation according to the provisions of this chapter for
1 6 any and all personal injuries sustained by an employee arising
1 7 out of and in the course of the employment, and in such cases,
1 8 the employer shall be relieved from other liability for
1 9 recovery of damages or other compensation for such personal
1 10 injury. For the purposes of this chapter, a personal injury
1 11 sustained by an employee shall be characterized as either a
1 12 traumatic injury or a cumulative injury.
1 13 a. A traumatic injury does not arise out of the course of
1 14 employment for the purposes of this chapter unless the
1 15 traumatic injury is a natural incident of an employment
1 16 activity of the employee or a reasonable consequence of a
1 17 hazard associated with an employment activity of the employee.
1 18 The trauma must be one that would be considered to be more
1 19 than slight by the average person.
1 20 b. A cumulative injury does not arise out of the course of
1 21 employment for the purposes of this chapter unless all of the
1 22 following are shown:
1 23 (1) The employment activity that is alleged to be the
1 24 cause of the cumulative injury or to have significantly
1 25 aggravated a preexisting condition is the single most
1 26 substantial factor contributing to the cumulative injury.
1 27 (2) The cumulative injury, at the time of its occurrence,
1 28 would not be expected to occur as the result of the normal
1 29 aging process absent an employment activity of the employee.
1 30 (3) The employment activity that is alleged to be the
1 31 single most substantial factor contributing to the cumulative
1 32 injury is not an activity commonly engaged in by the employee
1 33 in the normal nonemployment life of the employee.

1 34 EXPLANATION

1 35 This bill amends Code section 85.3, subsection 1, to
2 1 provide that for the purposes of Code chapter 85, a personal
2 2 injury sustained by an employee shall be characterized as
2 3 either a traumatic injury or a cumulative injury.
2 4 The bill provides that a traumatic injury does not arise
2 5 out of the course of employment for workers' compensation
2 6 purposes unless the traumatic injury is a natural incident of
2 7 an employment activity of the employee, or a reasonable
2 8 consequence of a hazard associated with an employment activity
2 9 of the employee. The trauma must be one that would be
2 10 considered to be more than slight by the average person.
2 11 The bill also provides that a cumulative injury does not
2 12 arise out of the course of employment unless the cumulative
2 13 injury is caused by an employment activity that is alleged to
2 14 be the cause of the cumulative injury, or to have
2 15 significantly aggravated a preexisting condition, that is the
2 16 single most substantial factor contributing to the cumulative
2 17 injury; the cumulative injury, at the time of its occurrence,
2 18 would not be expected to occur as the result of the normal
2 19 aging process absent an employment activity of the employee;
2 20 and the employment activity that is alleged to be the single

2 21 most substantial factor contributing to the cumulative injury
2 22 is not an activity commonly engaged in by the employee in the
2 23 normal nonemployment life of the employee.
2 24 LSB 1762XS 82
2 25 av:rj/cf/24