

House File 359 - Introduced

HOUSE FILE _____
BY WENTHE

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

A BILL FOR

1 An Act relating to the rights and remedies of an employee injured
2 in an aircraft accident against an employer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1141YH 83
5 av/nh/8

PAG LIN

1 1 Section 1. Section 85.20, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. Against the employee's employer. However, this
1 4 limitation does not apply to a personal injury sustained by an
1 5 employee during transportation by air provided by the
1 6 employee's employer for purposes related to the employee's
1 7 employment if such injury arises out of and in the course of
1 8 the employment and the employer does not ensure that such
1 9 transportation is provided via a properly maintained aircraft
1 10 by properly licensed pilots and other required licensed
1 11 aircraft personnel. Under such circumstances it shall be
1 12 presumed that the injury to the employee was the direct result
1 13 and growing out of the negligence of the employer and that the
1 14 negligence was the proximate cause of the injury. The burden
1 15 of proof shall rest upon the employer to rebut the presumption
1 16 of negligence and the employer shall not be permitted to plead
1 17 or rely upon any defense of the common law, including the
1 18 defenses of contributory negligence and assumption of risk.

1 19 EXPLANATION
1 20 This bill provides that the rights and remedies provided by
1 21 the state's workers' compensation laws are not the exclusive
1 22 remedy of an employee who is injured during air transportation
1 23 provided by the employee's employer for purposes related to
1 24 the employee's employment if the injury arises out of and in
1 25 the course of the employment and the employer has not ensured
1 26 that the transportation is provided via a properly maintained
1 27 aircraft by properly licensed pilots and other required
1 28 licensed aircraft personnel. Under such circumstances it is
1 29 presumed that the injury to the employee was the direct result
1 30 and growing out of the negligence of the employer and that the
1 31 negligence was the proximate cause of the injury. The burden
1 32 of proof rests upon the employer to rebut the presumption of
1 33 negligence and the employer is not permitted to plead or rely
1 34 upon any defense of the common law, including the defense of
1 35 contributory negligence and assumption of risk.
2 1 LSB 1141YH 83
2 2 av/nh/8