

**Senate File 2100 - Introduced**

SENATE FILE 2100

BY BOULTON

**A BILL FOR**

1 An Act relating to workers' compensation benefits involving  
2 violations of occupational safety and health or child labor  
3 laws, providing penalties, and including applicability  
4 provisions.

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

1 Section 1. NEW SECTION. 85.15 Child labor and occupational  
2 safety and health violations — penalties.

3 If an injury or death for which benefits are payable under  
4 chapter 10A, subchapter III, this chapter, or chapter 85A  
5 or 85B occurred in the course of employment in which the  
6 employer is found to be in violation of chapter 88, or the  
7 employee is found to have performed work for which the employee  
8 was not of permitted age under chapter 92, the workers'  
9 compensation commissioner shall award benefits, in addition to  
10 the benefits otherwise payable under chapter 10A, subchapter  
11 III, this chapter, or chapter 85A or 85B, in an amount equal  
12 to one hundred percent of the amount of such benefits that  
13 are otherwise payable. Additionally, the employer shall be  
14 subject to a civil penalty of five thousand dollars. The  
15 workers' compensation commissioner shall collect the penalty  
16 and deposit the moneys in the second injury fund. The  
17 workers' compensation commissioner shall award such additional  
18 benefits and collect such penalty upon a finding of a violation  
19 of chapter 88 or 92 as provided in those chapters and the  
20 conclusion of applicable periods for judicial review.

21 Sec. 2. APPLICABILITY. This Act applies to injuries  
22 occurring on or after the effective date of this Act.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill provides that when an injury for which workers'  
27 compensation benefits would be payable occurs in the course of  
28 employment in which the employer is found to be in violation  
29 of Code chapter 88 (occupational safety and health), or the  
30 employee is found to have performed work for which the employee  
31 was not of permitted age under Code chapter 92 (child labor),  
32 the workers' compensation commissioner shall increase the  
33 amount of benefits awarded by 100 percent. The employer shall  
34 also be subject to a civil penalty of \$5,000, to be collected  
35 by the workers' compensation commissioner and deposited in the

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1 second injury fund.

2     The bill applies to injuries occurring on or after the  
3 effective date of the bill.