

3 publication in the Des Moines Capital and in the Des Moines Register,
4 newspapers published in Des Moines, Iowa.

1 SEC. 3. Full settlement. The sum so appropriated shall be in
2 full settlement of all claims against the state of Iowa under the
3 workmen's compensation statute by any or all persons whomsoever
4 on account of the death of the said James H. Green.

Approved April 21, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Register
May 9, 1917, and in the Des Moines Capital May 9, 1917.

W. S. ALLEN, *Secretary of State.*

CHAPTER 270.

WORKMEN'S COMPENSATION ACT.

H. F. 79.

AN ACT to amend the law as it appears in chapter eight-a (8-a), title XII, supplement to the code, 1913, creating a liability on the part of employers to compensate their employes and dependents for personal injury sustained by such employes in their line of duty, irrespective of the fault of either party; fixing the compensation to be paid; securing the payment thereof; providing the means and methods of enforcing such liability; creating the office of industrial commissioner and deputy industrial commissioner and providing for an arbitration committee, defining their powers and duties, and providing for a review of their orders, decisions and awards; appropriating money to carry out the provisions of the act; and repealing all acts and parts of acts inconsistent herewith.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Compensation schedule. That the law as it appears
2 in section twenty-four hundred seventy-seven-m-9 (b) (2477-m-9-b),
3 supplement to the code, 1913, be and the same is hereby amended by
4 striking therefrom the first line thereof, and by substituting for said
5 line the following: "at the time of the injury and thereafter during
6 the disability, but not exceeding four weeks."

1 SEC. 2. Compensation schedule. That the law as it appears in
2 section twenty-four hundred seventy-seven-m-9 (g) (2477-m-9-g),
3 supplement to the code, 1913, be and the same is hereby repealed and
4 the following enacted in lieu thereof:

5 "(g) No compensation shall be paid for an injury which does not
6 incapacitate the employe for a period of at least two weeks from
7 earning full wages; provided, however, that this provision shall not
8 apply to those injuries resulting in disability partial in character and
9 permanent in quality and compensated according to the schedule
10 found in section twenty-four hundred seventy-seven-m-9 (j) (2477-
11 m-9-j), supplement to the code, 1913. Should such incapacity extend
12 beyond a period of two weeks, compensation shall begin on the fif-
13 teenth day after the injury; provided, however, that if the period of
14 incapacity extends beyond the thirty-fifth day following the date of
15 injury, then the compensation for the fifth week of incapacity shall
16 be increased by adding thereto an amount equal to two-thirds (2/3)
17 of the weekly compensation; if the period of incapacity extends
18 beyond the forty-second (42) day following the date of injury, then

19 the compensation for the sixth week of incapacity shall be increased
 20 by adding thereto an amount equal to two-thirds (2/3) of the weekly
 21 compensation; if the period of incapacity extends beyond the forty-
 22 ninth (49) day following the date of injury, then the compensation
 23 for the seventh week of incapacity shall be increased by adding
 24 thereto an amount equal to two-thirds (2/3) of the weekly compensa-
 25 tion; if the period of incapacity extends beyond the forty-ninth (49)
 26 day following the date of injury, then the compensation thereafter
 27 shall be only the weekly compensation provided for in this law."

1 **SEC. 3. Compensation schedule.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-9 (h) (2477-m-9-h),
 3 supplement to the code, 1913, be and the same is hereby amended by
 4 striking from the third line thereof the word "ten" and the word
 5 "five", and from the fifth line thereof the word "five", and by sub-
 6 stituting in lieu of the word "ten" the word "fifteen", and in lieu of
 7 the word "five" the word "six".

1 **SEC. 4. Compensation schedule.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-9 (i) (2477-m-9-i),
 3 supplement to the code, 1913, be and the same is hereby amended by
 4 striking from the third line thereof the word "ten" and from the
 5 fourth line and fifth line thereof the word "five", and by substituting
 6 in lieu of the word "ten" the word "fifteen", and in lieu of the word
 7 "five" the word "six".

1 **SEC. 5. Compensation schedule.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-9 (j) (2477-m-9-j),
 3 supplement to the code, 1913, be and the same is hereby amended by
 4 striking from the second line thereof the words, "based upon the
 5 extent of such disability", and by substituting in lieu thereof the
 6 following: "as follows:".

1 **SEC. 6. Compensation schedule.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-9 (j)-(17) (2477-m-9-
 3 j-17), supplement to the code, 1913, be and the same is hereby re-
 4 pealed and the following enacted in lieu thereof:

5 "(17). For the loss of hearing in one ear, fifty (50) per cent of
 6 daily wages during fifty (50) weeks, and for the loss of hearing in
 7 both ears, fifty (50) per cent of the daily wages during one hundred
 8 fifty (150) weeks."

1 **SEC. 7. Compensation schedule.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-9 (j) (2477-m-9-j),
 3 supplement to the code, 1913, be and the same is hereby amended by
 4 renumbering sub-divisions eighteen (18) and nineteen (19) thereof
 5 as nineteen (19) and twenty (20) respectively, and by adding thereto
 6 as sub-division eighteen (18) the following:

7 "(18). The loss of both arms, or both hands, or both feet, or both
 8 legs, or both eyes, or of any two thereof, caused by a single accident,
 9 shall constitute total and permanent disability, to be compensated
 10 according to the provisions of section twenty-four hundred seventy-
 11 seven-m-9 (i) (2477-m-9-i), supplement to the code, 1913."

1 **SEC. 8. When compensation payable to trustee.** That the law
 2 as it appears in section twenty-four hundred seventy-seven-m-13

3 (2477-m-13), supplement to the code, 1913, be and the same is hereby
 4 amended by adding after the word "When" and before the word "a"
 5 in the first line thereof, the words, "an injured minor, employe or".

SEC. 9. Commutation of payments—conditions and limitations.

1 That the law as it appears in section twenty-four hundred seventy-
 2 seven-m-14 (2477-m-14), supplement to the code, 1913, be and the
 3 same is hereby amended by substituting a semicolon for the period
 4 found in the fourth line thereof, and by adding thereto immediately
 5 following such semicolon and before the word "And" in the same line,
 6 the following: "Provided, however, that no judge of the district
 7 court shall consider any such application until there is endorsed
 8 thereon by the Iowa industrial commissioner his approval of such
 9 commutation, and no order shall be issued by such judge contrary to
 10 the endorsement of said industrial commissioner."

1 **SEC. 10. Relating to definition of terms.** That the law as it
 2 appears in section twenty-four hundred seventy-seven-m-16 (b)
 3 (2477-m-16-b), supplement to the code, 1913, be and the same is
 4 hereby amended by inserting a comma after the word "business" and
 5 before the word "or" in the seventh line thereof; that the word "and"
 6 between the word "casual" and the word "not" in the twelfth line
 7 of section twenty-four hundred seventy-seven-m-sixteen (2477-m16),
 8 supplement to the code, 1913, be stricken out and the word "or" in-
 9 serted in lieu thereof.

1 **SEC. 11. Absence of dependent children—remarriage of surviv-**
 2 **ing spouse—effect.** That the law as it appears in section twenty-
 3 four hundred seventy-seven-m-16 (c)-(1) (2477-m-16-c-1), supple-
 4 ment to the code, 1913, be and the same is hereby amended by sub-
 5 stituting a comma for the period found in the seventh line thereof,
 6 and by adding thereto immediately following such comma the follow-
 7 ing: "and should the deceased employe leave no dependent children,
 8 and should the surviving spouse remarry, then all compensation pay-
 9 able to her shall terminate on the date of such remarriage."

1 **SEC. 12. Repeal and renumbering.** That the law as it appears in
 2 section twenty-four hundred seventy-seven-m-16 (h) (2477-m-16-h),
 3 supplement to the code, 1913, be and the same is hereby repealed,
 4 and that section twenty-four hundred seventy-seven-m-16 (i) (2477-
 5 m-16-i), supplement to the code, 1913, be renumbered as twenty-four
 6 hundred seventy-seven-m-16 (h) (2477-m-16-h).

1 **SEC. 13. Repeal.** That the law as it appears in section twenty-
 2 four hundred seventy-seven-m-19 (2477-m-19), supplement to the
 3 code, 1913, be and the same is hereby repealed.

1 **SEC. 14. Deputy commissioner—appointment—powers—salary.**
 2 That the law as it appears in section twenty-four hundred seventy-
 3 seven-m-22 (2477-m-22), supplement to the code, 1913, be and the
 4 same is hereby amended by adding thereto at the end thereof, and
 5 as a new paragraph, the following:

6 "The Iowa industrial commissioner shall appoint a deputy, for
 7 whose acts he shall be held responsible, who shall hold office during
 8 the pleasure of said industrial commissioner. Such appointment shall
 be made in writing, and must be approved by the executive council

9 of the state of Iowa. The deputy, in the absence or disability of the
 10 Iowa industrial commissioner, shall have all of the powers and per-
 11 form all of the duties of the industrial commissioner pertaining to
 12 his office, and shall receive an annual salary of two thousand (2,000)
 13 dollars, payable in equal monthly instalments, out of the state
 14 treasury, and in the same manner as are the salaries of other state
 15 officials."

1 **SEC. 15. Legal rules of evidence—non-applicability.** That the
 2 law as it appears in section twenty-four hundred seventy-seven-m-24
 3 (2477-m-24), supplement to the code, 1913, be and the same is hereby
 4 amended by adding thereto after the period following the word "be"
 5 and before the word "The" in the fourth line of said section the
 6 following: "While sitting as an arbitration committee, or when con-
 7 ducting a hearing upon review, or in the making of any investigation
 8 or inquiry, neither the commissioner nor the arbitration committee
 9 shall be bound by common law or statutory rules of evidence, or by
 10 technical or formal rules of procedure, but may hold such arbitra-
 11 tions or conduct such hearings and make such investigations and in-
 12 quiries in the manner best suited to ascertain the substantial rights
 13 of the parties."

1 **SEC. 16. Compensation agreements on behalf of minors.** That
 2 the law as it appears in section twenty-four hundred seventy-seven-
 3 m-25 (2477-m-25), supplement to the code, 1913, be and the same is
 4 hereby amended by adding after the period immediately following the
 5 word "act", and before the word "Such", in the eighth line thereof,
 6 the following sentence: "In case the injured employe is a minor,
 7 either he or the trustee provided for in section twenty-four hundred
 8 seventy-seven-m-13 (2477-m-13), supplement to the code, 1913, may
 9 execute the memorandum of agreement provided for herein, and may
 10 give a valid and binding release for the compensation paid on his
 11 account under the terms of this act."

1 **SEC. 17. Decrees by district court—award of arbitrators—re-**
 2 **view—appeal.** That the law as it appears in section twenty-four
 3 hundred seventy-seven-m-33 (2477-m-33), supplement to the code,
 4 1913, be and the same is hereby repealed, and the following enacted in
 5 lieu thereof:

6 Any party in interest may present a certified copy of an order or
 7 decision of the commissioner, or an award of an arbitration com-
 8 mittee from which no claim for review has been filed within the time
 9 allowed therefor, or a memorandum of agreement approved by the
 10 commissioner, and all papers in connection therewith, to the district
 11 court of the county in which the injury occurred, whereupon said
 12 court shall render a decree in accordance therewith and notify the
 13 parties. Such decree, in the absence of an appeal from the decision
 14 of the industrial commissioner, shall have the same effect and in all
 15 proceedings in relation thereto shall thereafter be the same as
 16 though rendered in a suit duly heard and determined by said court.
 17 Upon the presentation to the court of a certified copy of a decision
 18 of the industrial commissioner, ending, diminishing or increasing a
 19 weekly payment under the provisions of this act, the court shall revoke
 or modify the decree to conform to such decision.

20 No order or award of an arbitration committee is appealable direct
21 to the courts, but if any party in interest is aggrieved thereby, he
22 may within five (5) days from the date thereof apply to the indus-
23 trial commissioner for a review of the same by such industrial com-
24 missioner in the manner as hereinbefore provided. If any such
25 party is aggrieved by reason of an order or decree of the Iowa indus-
26 trial commissioner, such party may appeal therefrom to the district
27 court of Iowa, only in the manner and upon the grounds following:

28 Within thirty (30) days from the date of such order or decree of
29 the industrial commissioner, the party aggrieved may file an appli-
30 cation in writing with the Iowa industrial commissioner asking for
31 an appeal from such order or decree, stating generally the grounds
32 upon which such appeal is sought. In the event such application
33 is filed as hereinbefore provided, the industrial commissioner shall,
34 within thirty days from the filing of same, cause certified copies of
35 all documents and papers then on file in his office in the matter,
36 and a transcript of all testimony taken therein, to be transmitted
37 with his findings and order or decree to the clerk of the district
38 court of Iowa in and for that county wherein the injury occurred.
39 The application for such appeal may thereupon be brought on for
40 hearing before said district court upon such record by either party
41 on ten (10) days written notice to the other; subject, however, to
42 the provisions of law for a change of the place of trial or the calling
43 of another judge. The findings of fact made by the industrial com-
44 missioner within his powers shall, in the absence of fraud, be con-
45 clusive, but upon such hearing the court may confirm or set aside
46 such order or decree of the industrial commissioner, if he finds:

47 (1) That the industrial commissioner acted without or in excess
48 of his powers; or

49 (2) That the order or decree was procured by fraud; or

50 (3) That the facts found by the industrial commissioner do not
51 support the order or decree.

52 (4) That there is not sufficient competent evidence in the record
53 to warrant the industrial commissioner in making the order or
54 decree complained of.

55 No order or decree of the industrial commissioner shall be set
56 aside by the court upon other than the grounds just stated.

57 Upon the setting aside of any such order or decree, the court may
58 recommit the controversy to the industrial commissioner for further
59 hearing or proceedings, or it may enter the proper judgment upon
60 the findings, as the nature of the case may demand. Such decree
61 shall have the same effect and in all proceedings in relation thereto
62 shall thereafter be the same as though rendered in a suit duly heard
63 and determined by said court. An abstract of the judgment entered
64 by the trial court upon the appeal from any order or decree shall
65 be made by the clerk thereof upon the docket entry of any judgment
66 which may hereinbefore have been rendered upon it. Such order
67 or decree and transcript of such abstract may thereupon be obtained
68 for like entry upon the dockets of the courts of other counties within
69 the state.

70 Any party in interest who is aggrieved by a judgment entered
71 by the district court upon the appeal of an order or decree, may
72 appeal therefrom within the time and in the manner provided for in

73 appeal from the orders, judgments and decrees of the district court
74 of Iowa; but all such appeals shall be placed on the calendar of the
75 supreme court and brought to a hearing in the same manner as
76 criminal causes on such calendar.

77 No fee shall be charged by the clerk of any district court for the
78 performance of any official service required by this act, except for
79 the docketing of judgments and for certified copies or transcripts
80 thereof. In proceedings on appeal from an order or decree, costs
81 as between the parties shall be allowed or not, in the discretion of
82 the court.

SEC. 18. Review of payments—place of hearing—duty of court.

1 That the law as it appears in section twenty-four hundred seventy-
2 seven-m-34 (a) (2477-m-34-a), supplement to the code, 1913, be
3 and the same is hereby repealed and the following enacted in lieu
4 thereof:

5 “(a) Any payment required to be made under this act, which has
6 not been commuted, may be reviewed by the industrial commis-
7 sioner at the request of the employer or of the employe, and if on
8 such review the commissioner finds the condition of the employe
9 warrants such action, he may end, diminish or increase the com-
10 pensation, subject to the maximum or minimum amounts provided
11 for in this act. All hearings upon review by the Iowa industrial
12 commissioner under the provisions of this section, or under section
13 twenty-four hundred seventy-seven-m-32 (2477-m-32), supplement
14 to the code, 1913, shall be held at Des Moines, Iowa, unless the in-
15 terested parties and the Iowa industrial commissioner mutually
16 agree by written stipulation that the same may be held at some other
17 place.

18 Upon the presentation to the court of a certified copy of a decision
19 of the industrial commissioner ending, diminishing or increasing a
20 weekly payment under the provisions of this act, the court shall
21 revoke or modify any judgment or decree then on record in his court
22 to conform to such decision.

1 **SEC. 19. Reports by employers.** That the law as it appears in
2 section twenty-four hundred seventy-seven-m-36 (2477-m-36), supple-
3 ment to the code, 1913, be and the same is hereby amended by strik-
4 ing from the second line thereof the period immediately following
5 the word “employment,” and by adding immediately following the
6 said word “employment” the following: “and resulting in in-
7 capacity for a longer period than one day”; and also by striking
8 from the fifth line thereof the comma immediately following the
9 word “injury” and by adding immediately preceding the word “a”
10 in the same line the following words: “causing incapacity for a
11 longer period than one day”.

1 **SEC. 20. Refusal to insure liability—effect—posting notice of**
2 **such refusal.** That the law as it appears in section twenty-four
3 hundred seventy-seven-m-41 (2477-m-41), supplement to the code,
4 1913, be and the same is hereby amended by striking from the
5 eighth line thereof the words, “part one of this act,” and by insert-
6 ing in lieu thereof the following: “the common law as modified by
7 statute, and in the same manner and to the same extent as though
such employer had legally exercised his right to reject the com-

8 pensation provisions of chapter eight (8)-A, title XII, supplement
9 to the code, 1913.

10 "Any employer who fails to insure his liability as required herein
11 shall post and keep posted a sign of sufficient size and so placed as
12 to be easily seen by his employes in the immediate vicinity where
13 working, which sign shall read as follows:

14 NOTICE TO EMPLOYES.

15 You are hereby notified that the undersigned employer has
16 failed to insure his liability to pay compensation as required by law,
17 and that because of such failure he is liable to his employes in
18 damages for personal injuries sustained by his employes in the same
19 manner and to the same extent as though he had legally exercised
20 his right to reject the compensation provisions of Chapter Eight-A
21 (8-A), Title XII, Supplement to the Code, 1913.

22 (Signed)

23 Any employer coming under the provisions of this act who fails
24 to comply with this section or to post and keep posted the above
25 notice in the manner and form herein required shall be guilty of a
26 misdemeanor."

1 SEC. 21. Time act becomes effective—pending matters. The
2 provisions of section fourteen (14) of this act shall be in full force
3 and effect from and after the date when this act becomes effective
4 by publication, but all other provisions of this act shall take effect
5 from and after July 1, 1917.

6 Nothing in this act shall be held to in any manner affect litigation
7 now pending, or to apply to any case in which the injury occurred
8 prior to July 1, 1917.

1 SEC. 22. Publication clause. This act being deemed of im-
2 mediate importance shall take effect and be in force from and after
3 its publication in the Des Moines Register and the Des Moines
4 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 21, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Capital April
28, 1917, and in the Des Moines Register April 30, 1917.

W. S. ALLEN, *Secretary of State.*