

## CHAPTER 26

## WORKMEN'S COMPENSATION. REVIEW OF AWARD

H. F. 263

AN ACT to amend section fourteen hundred fifty-seven (1457) of the code, 1931, relating to review of award or settlement in compensation.

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

- 1 SECTION 1. That section fourteen hundred fifty-seven (1457) of  
 2 the code, 1931, be amended by adding after the word "time" in line  
 3 six (6), the following:  
 4 "within five (5) years from the date of the last payment of com-  
 5 pensation made under such award or agreement".

House File No. 263. Approved April 5, 1933.

## CHAPTER 27

## WORKMEN'S COMPENSATION. APPEAL PROCEDURE

S. F. 178

AN ACT to amend the law as the same appears in sections 1479, 1480 and 1481, chapter 72 of the code, 1931, relating to workmen's compensation.

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

- 1 SECTION 1. When an injured employee has exercised his or her  
 2 right to enforce a compensation claim, based upon the provisions of  
 3 sections 1479, 1480 and 1481 of the code, and an appeal, as provided  
 4 in section 1449 of the code, is taken to the district court from a deci-  
 5 sion or award as made by the industrial commissioner, the employer  
 6 and/or the insurance carrier, on the hearing on such appeal in the  
 7 district court, shall have the right of trial by jury upon the issues  
 8 of fact tendered and allowable within the terms of chapters 70, 71  
 9 and 72, and made of record in arbitration proceedings and/or upon  
 10 hearing before the industrial commissioner. But the right of a trial  
 11 by jury shall only apply to compensation cases within the purview  
 12 of sections 1479, 1480 and 1481 of the code.

- 1 SEC. 2. On the trial of the case in the district court with a jury,  
 2 the evidence, when certified by the industrial commissioner or his  
 3 deputy, as provided in section 1450 of the code, shall be the only com-  
 4 petent, relevant and material evidence in the case which shall be read  
 5 from the record thus certified, subject to the rulings of the trial judge  
 6 upon objections made in the commissioner's court and urged in the  
 7 district court. But the law of procedure and evidence, as provided in  
 8 section 1441 of the code, shall apply and govern insofar as reasonably  
 9 applicable. The trial judge shall give the jury written instruction  
 10 on the law of the case, but the jury shall determine the facts upon  
 11 the issues submitted.

- 1 SEC. 3. Upon questions of law raised in the district court, the  
 2 appeal shall be considered as if made upon one or more of the grounds  
 3 for appeal, as provided in section 1453 of the code. If demand in

4 writing for a jury trial has not been made and filed with the clerk of  
 5 the court to which the appeal is taken, within five days before the  
 6 case is assigned for hearing, it shall be conclusively presumed that  
 7 the party entitled thereto has waived a jury trial, and in such case  
 8 the hearing of the case and appeals to the supreme court of Iowa shall,  
 9 in all respects, be governed by the rules of law and procedure ap-  
 10 plicable to workmen's compensation cases to which sections 1479,  
 11 1480 and 1481 do not apply.

1 SEC. 4. When the case is tried with a jury, an appeal may be taken  
 2 to the supreme court of Iowa on alleged errors of law upon the same  
 3 grounds and governed by the law and procedure as provided for civil  
 4 cases triable with a jury.

Senate File No. 178. Approved April 13, 1933.

## CHAPTER 28

### WORKMEN'S COMPENSATION. FAILURE TO INSURE

#### S. F. 179

AN ACT to amend the law as the same appears in line fifteen (15), section 1479, of the code, 1931, relating to workmen's compensation.

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

1 SECTION 1. That the law in section 1479 of the code, 1931, be and  
 2 the same is hereby amended by striking out the words, "this chap-  
 3 ter", as the same appears in line fifteen and insert in lieu thereof the  
 4 words, "chapters 70, 71 and 72".

Senate File No. 179. Approved April 13, 1933.

## CHAPTER 29

### BOARD OF CONSERVATION. LICENSING BOATS AND PILOTS

#### H. F. 341

AN ACT to repeal the law as it appears in chapter eighty-five (85), code, 1931, relating to inspection of passenger boats, and to enact a substitute therefor relating to inspection of boats, licensing of pilots and engineers, and regulating the operation of boats on inland Iowa lakes and streams, and providing a penalty for the violation of the provisions of this act.

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

That the law as it appears in chapter eighty-five (85), code, 1931, and all amendments thereto are herewith repealed and the following enacted in lieu thereof:

1 "SECTION 1. The board of conservation shall appoint one or more  
 2 qualified persons as inspectors of passenger boats. He shall hold  
 3 office at the will of the board, make such reports as the board may  
 4 require, and receive such compensation as the board may determine.  
 5 He shall be required to give bond for the faithful performance of his  
 6 duties in the sum of two thousand dollars (\$2,000).