

CHAPTER 58

WORKMEN'S COMPENSATION BY NONRESIDENTS

S. F. 408

AN ACT to amend chapters eighty-five (85) and eighty-six (86), Code 1950, so as to provide a method of obtaining jurisdiction over non-resident employers under the workmen's compensation and occupational disease compensation laws.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter eighty-five (85), Code 1950, is hereby
2 amended by inserting a new section following section eighty-five point
3 three (85.3) thereof to provide as follows:

4 "Any employer who is a non-resident of the state, for whom services
5 are performed within the state by employees entitled to rights under
6 this or chapter eighty-five A (85A) by virtue of having such services
7 performed shall be deemed:

8 (a) To agree that such employer and employees shall be subject to
9 the jurisdiction of the industrial commissioner and to all of the pro-
10 visions of this chapter, chapter eighty-five A (85A), eighty-six (86)
11 and eighty-seven (87), as to any and all personal injuries sustained
12 by an employee arising out of and in the course of such employment
13 within this state.

14 (b) To appoint the secretary of state of this state as its lawful
15 attorney upon whom may be served any and all notices authorized or
16 required by the provisions of this chapter, chapter eighty-five A
17 (85A), eighty-six (86), and eighty-seven (87) and to agree that any
18 and all such services of notice on the secretary of state shall be of the
19 same legal force and validity as if personally served upon such non-
20 resident employer in this state."

1 SEC. 2. Chapter eighty-six (86), Code 1950, is hereby amended by
2 inserting a new section following eighty-six point thirty-six (86.36)
3 thereof to provide as follows:

4 "(a) Whenever service of any notice is made on a non-resident em-
5 ployer under the provisions of section one (1) of this act, the same
6 shall be done in the following manner:

7 1. By filing a copy of said notice with the secretary of state.

8 2. By mailing to such employer within ten (10) days after said
9 filing with the secretary of state, by restricted registered mail ad-
10 dressed to the non-resident employer at his last known residence or
11 place of abode, a copy of said notice on which shall be noted the date
12 of filing of the copy with the secretary of state.

13 (b) The term 'restricted registered mail' means mail which carries
14 on the face thereof, in a conspicuous place where it will not be obliterated,
15 the endorsement 'deliver to addressee only', and which also re-
16 quires a return receipt.

17 (c) In lieu of mailing said copy of notice to the non-resident em-
18 ployer in a foreign state, plaintiff may cause the same to be personally
19 served in the foreign state on such employer by any adult person not
20 a party to the proceedings, by delivering said copy of notice to the

21 non-resident employer or by offering to make such delivery in case he
22 refused to accept delivery.

23 (d) Proof of the filing of a copy of said notice with the secretary
24 of state and proof of the mailing or personal delivery of the copy to
25 said non-resident employer shall be made by affidavit of the party
26 doing said acts. All affidavits of service shall be endorsed upon or
27 attached to the original of the papers to which they relate and all
28 such proofs of service, including the return registry receipt shall be
29 forthwith filed with the original of the papers.

30 (e) The secretary of state shall keep a record of all notices filed
31 with him pursuant to this act and shall not permit said filed notices to
32 be taken from his office except on an order of court but shall, on re-
33 quest and without fee, furnish any non-resident employer or his in-
34 surer with a certified copy of any notice in which he is named."

1 SEC. 3. The term non-resident employer as used in this Act shall
2 not be construed to mean foreign corporations lawfully qualified to
3 transact business within the state of Iowa under Chapter 494, Code
4 1950.

Approved April 16, 1951.

CHAPTER 59

WORKMEN'S COMPENSATION

H. F. 264

AN ACT to amend sections eighty-five point twenty-seven (85.27), eighty-five point thirty-one (85.31), eighty-five point thirty-four (85.34), eighty-five point thirty-five (85.35), eighty-five point thirty-seven (85.37), and eighty-five point sixty-four (85.64), Code 1950, relating to workmen's compensation so as to increase medical and hospital allowances, to provide for furnishing prosthetic devices, to change method of paying dependent parents in the event of the death of minor employees, to increase benefit payments for permanent total disability and for permanent partial disability, to increase the weekly compensation amount, and to liberalize the provisions of the second injury fund.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty-five point twenty-seven (85.27), Code
2 1950, is hereby amended by inserting after the period (.) in line four
3 (4) thereof, the following: "The employer shall also furnish reason-
4 able and necessary crutches, artificial members and appliances but
5 shall not be required to furnish more than one permanent prosthetic
6 device."

7 Further amend section eighty-five point twenty-seven (85.27),
8 Code 1950, by adding at the end of the first paragraph thereof the
9 following sentence: "The commissioner may upon application and
10 upon reasonable proofs being furnished of necessity therefor, allow
11 and order additional surgical, medical, osteopathic, chiropractic and
12 hospital services and supplies, but not to exceed an aggregate cost of
13 one thousand dollars (\$1,000.00) in addition to the amounts herein-
14 before allowed."

1 SEC. 2. Section eighty-five point thirty-one (85.31), Code 1950, is