

MAP 1 1 2005
Place On Calendar

HOUSE FILE 705
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 88)

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

A BILL FOR

1 An Act relating to the characterization of personal injuries for
2 purposes of workers' compensation liability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 705

1 Section 1. Section 85.3, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. Every employer, not specifically excepted by the
4 provisions of this chapter, shall provide, secure, and pay
5 compensation according to the provisions of this chapter for
6 any and all personal injuries sustained by an employee arising
7 out of and in the course of the employment, and in such cases,
8 the employer shall be relieved from other liability for
9 recovery of damages or other compensation for such personal
10 injury. For the purposes of this chapter, a personal injury
11 sustained by an employee shall be characterized as either a
12 traumatic injury or a cumulative injury.

13 a. A traumatic injury does not arise out of the course of
14 employment for the purposes of this chapter unless the
15 traumatic injury is a natural incident of an employment
16 activity of the employee or a reasonable consequence of a
17 hazard associated with an employment activity of the employee.
18 The trauma must be one that would be considered to be more
19 than slight by the average person.

20 b. A cumulative injury does not arise out of the course of
21 employment for the purposes of this chapter unless all of the
22 following are shown:

23 (1) The employment activity that is alleged to be the
24 cause of the cumulative injury or to have significantly
25 aggravated a preexisting condition is the single most
26 substantial factor contributing to the cumulative injury.

27 (2) The cumulative injury, at the time of its occurrence,
28 would not be expected to occur as the result of the normal
29 aging process absent an employment activity of the employee.

30 (3) The employment activity that is alleged to be the
31 single most substantial factor contributing to the cumulative
32 injury is not an activity commonly engaged in by the employee
33 in the normal nonemployment life of the employee.

34 EXPLANATION

35 This bill amends Code section 85.3, subsection 1, to

1 provide that for the purposes of Code chapter 85, a personal
2 injury sustained by an employee shall be characterized as
3 either a traumatic injury or a cumulative injury.

4 The bill provides that a traumatic injury does not arise
5 out of the course of employment for workers' compensation
6 purposes unless the traumatic injury is a natural incident of
7 an employment activity of the employee, or a reasonable
8 consequence of a hazard associated with an employment activity
9 of the employee. The trauma must be one that would be
10 considered to be more than slight by the average person.

11 The bill also provides that a cumulative injury does not
12 arise out of the course of employment unless the cumulative
13 injury is caused by an employment activity that is alleged to
14 be the cause of the cumulative injury, or to have
15 significantly aggravated a preexisting condition, that is the
16 single most substantial factor contributing to the cumulative
17 injury; the cumulative injury, at the time of its occurrence,
18 would not be expected to occur as the result of the normal
19 aging process absent an employment activity of the employee;
20 and the employment activity that is alleged to be the single
21 most substantial factor contributing to the cumulative injury
22 is not an activity commonly engaged in by the employee in the
23 normal nonemployment life of the employee.

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HORBACH, CH
MAY
JACOBY

HSB 88
COMMERCE, REGULATION & LABOR

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION AND
LABOR BILL BY CHAIRPERSON
JENKINS)

Substituted
SF 0705

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

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2 purposes of workers' compensation liability.
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2 amended to read as follows:

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4 provisions of this chapter, shall provide, secure, and pay
5 compensation according to the provisions of this chapter for
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7 out of and in the course of the employment, and in such cases,
8 the employer shall be relieved from other liability for
9 recovery of damages or other compensation for such personal
10 injury. For the purposes of this chapter, a personal injury
11 sustained by an employee shall be characterized as either a
12 traumatic injury or a cumulative injury.

13 a. A traumatic injury does not arise out of the course of
14 employment for the purposes of this chapter unless the
15 traumatic injury is a natural incident of an employment
16 activity of the employee or a reasonable consequence of a
17 hazard associated with an employment activity of the employee.
18 The trauma must be one that would be considered to be more
19 than slight by the average person.

20 b. A cumulative injury does not arise out of the course of
21 employment for the purposes of this chapter unless all of the
22 following are shown:

23 (1) The employment activity that is alleged to be the
24 cause of the cumulative injury or to have significantly
25 aggravated a preexisting condition is the single most
26 substantial factor contributing to the cumulative injury.

27 (2) The cumulative injury, at the time of its occurrence,
28 would not be expected to occur as the result of the normal
29 aging process absent an employment activity of the employee.

30 (3) The employment activity that is alleged to be the
31 single most substantial factor contributing to the cumulative
32 injury is not an activity commonly engaged in by the employee
33 in the normal nonemployment life of the employee.

34 EXPLANATION

35 This bill amends Code section 85.3, subsection 1, to

1 provide that for the purposes of Code chapter 85, a personal
2 injury sustained by an employee shall be characterized as
3 either a traumatic injury or a cumulative injury.

4 The bill provides that a traumatic injury does not arise
5 out of the course of employment for workers' compensation
6 purposes unless the traumatic injury is a natural incident of
7 an employment activity of the employee, or a reasonable
8 consequence of a hazard associated with an employment activity
9 of the employee. The trauma must be one that would be
10 considered to be more than slight by the average person.

11 The bill also provides that a cumulative injury does not
12 arise out of the course of employment unless the cumulative
13 injury is caused by an employment activity that is alleged to
14 be the cause of the cumulative injury, or to have
15 significantly aggravated a preexisting condition, that is the
16 single most substantial factor contributing to the cumulative
17 injury; the cumulative injury, at the time of its occurrence,
18 would not be expected to occur as the result of the normal
19 aging process absent an employment activity of the employee;
20 and the employment activity that is alleged to be the single
21 most substantial factor contributing to the cumulative injury
22 is not an activity commonly engaged in by the employee in the
23 normal nonemployment life of the employee.

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