

MAR 7 2006  
Place On Calendar

HOUSE FILE 2681  
BY COMMITTEE ON COMMERCE,  
REGULATION AND LABOR

(SUCCESSOR TO HF 705)  
(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 workers' compensation liability for injuries  
2 sustained in the course of employment.

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

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HF 2681

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 if the employment  
8 activity was the predominant factor causing the injury, and in  
9 such cases, the employer shall be relieved from other  
10 liability for recovery of damages or other compensation for  
11 such personal injury.

12 EXPLANATION

13 This bill amends Code section 85.3, subsection 1, to  
14 provide that for the purposes of Code chapter 85, an employer  
15 is required to pay workers' compensation benefits for a  
16 personal injury sustained by an employee in the course of  
17 employment if the employment activity was the predominant  
18 factor causing the injury.

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HORBACH, CH  
MAY  
JACOBY

HSB 88  
COMMERCE, REGULATION & LABOR

HOUSE FILE \_\_\_\_\_ <sup>Jul</sup> <sub>27</sub> ○ 2681  
BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION AND  
LABOR BILL BY CHAIRPERSON  
JENKINS)

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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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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