

February 23, 1951.  
Social Security.

**House File 522**  
By MUNGER, and NELSON of Woodbury.

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

## A BILL FOR

An Act to amend chapter 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  
2 hereby amended by inserting a new section following section  
3 eighty-five point three (85.3) thereof to provide as follows:  
4 "Any employer who is a non-resident of the state, for  
5 whom services are performed within the state by employees  
6 entitled to rights under this or chapter eighty-five A (85A)  
7 by virtue of having such services performed shall be deemed:

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

14 (b) To appoint the secretary of state of this state as

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

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

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

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

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

15 (b) The term ‘restricted registered mail’ means mail  
16 which carries on the face thereof, in a conspicuous place where  
17 it will not be obliterated, the endorsement ‘deliver to addressee  
18 only’, and which also requires a return receipt.

19 (c) In lieu of mailing said copy of notice to the non-

20 resident employer in a foreign state, plaintiff may cause the  
21 same to be personally served in the foreign state on such  
22 employer by any adult person not a party to the proceedings,  
23 by delivering said copy of notice to the non-resident employer  
24 or by offering to make such delivery in case he refused to  
25 accept delivery.

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

35 (e) The secretary of state shall keep a record of all  
36 notices filed with him pursuant to this act and shall not  
37 permit said filed notices to be taken from his office except  
38 on an order of court but shall, on request and without fee,  
39 furnish any non-resident employer or his insurer with a  
40 certified copy of any notice in which he is named.”

#### EXPLANATION OF H. F. 522

The purpose of this bill is to designate an officer having a permanent abode in the state upon whom process may be served after the non-resident employer has left the state and gone beyond the jurisdiction of the industrial commissioner and courts of this state.

In the case of Elk River Coal and Lumber Company v. Funk, 222 Iowa 1222, decided by the Supreme Court in May, 1937, it was found that the non-resident employer by having services rendered for him within the state of Iowa, submitted to the provisions of the Workmen's Compensation Law and that a cause of action accrued during the time the non-resident was still in the state and continued to exist

even after the non-resident employer had left but that there was no agent remaining in the state on whom service of process could be had.

The provisions of this bill are substantially the same as those appearing in Section 321.498, Code 1950, regarding non-resident operators of motor vehicles within the state and Section 96.14 subparagraph 5 et seq., Code 1950, relating to non-resident employing units under the employment security act.