

February 21, 1951.
Passed on File.

Senate File 403
By McCARVILLE and O'MALLEY.

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

A BILL FOR

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
- 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 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 accept
25 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 to said non-resident employer shall be
29 made by affidavit of the party doing said act. All affidavits
30 of service shall be endorsed upon or attached to the original
31 of the papers to which they relate and all such proofs of
32 service, including the return registry receipt shall be
33 forthwith filed with the original of the papers.

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