



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 139
[2017 Senate Bill 781]

Worker's Compensation

2017 Wisconsin Act 139 relates to actions against certain third parties by injured employees under the worker's compensation law. Enactment of the law was recommended by the Worker's Compensation Advisory Council.

The Act revises the phrasing in certain specific provisions that prohibit a person from making a claim against a third party for a work-related injury to specify that the right to make a claim against a third party who has engaged the person's services depends on whether the person has a **right** to worker's compensation, rather than on whether the person has actually **filed** a worker's compensation claim.

In other words, third parties who are identified in the statutes as engaging a person's services, but who are not the person's employer for purposes of worker's compensation, may have a claim filed against them for a work-related injury only if the person does not have the right to file a worker's compensation claim against an identified employer. For example, an employee of a temporary help agency is the employee of the temporary help agency for purposes of worker's compensation; the employee has the right to file a claim for a work-related injury against the agency, rather than against the third party that engaged the person's services, and therefore, under the Act, may not file a claim against the third party.

Effective date: March 2, 2018. The Act applies to a claim for worker's compensation or a civil tort claim that is filed on or after that date.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.