



## 2009 ASSEMBLY BILL 929

1     **AN ACT** *to amend* 71.63 (3) (d), 102.07 (8) (d), 108.24 (2m) and 111.327 of the  
2     statutes; **relating to:** willful misclassification of an employee as a  
3     nonemployee by a person engaged in the painting or drywall finishing of  
4     buildings or other structures with intent to evade the laws related to income tax  
5     withholding, worker's compensation, unemployment insurance, or  
6     employment discrimination and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

7     **SECTION 1.** 71.63 (3) (d) of the statutes, as created by 2009 Wisconsin Act 28,  
8     is amended to read:  
9     71.63 (3) (d) With regard to ss. 71.65 (6), "employer" means a person described  
10    in s. 108.18 (2) (c) or a person engaged in the painting or drywall finishing of  
11    buildings or other structures.

**ASSEMBLY BILL 929****SECTION 2**

1           **SECTION 2.** 102.07 (8) (d) of the statutes, as created by 2009 Wisconsin Act 28,  
2 is amended to read:

3           102.07 **(8)** (d) Any employer described in s. 108.18 (2) (c) or engaged in the  
4 painting or drywall finishing of buildings or other structures who willfully and with  
5 intent to evade any requirement of this chapter misclassifies or attempts to  
6 misclassify an individual who is an employee of the employer as a nonemployee shall  
7 be fined \$25,000 for each violation.

8           **SECTION 3.** 108.24 (2m) of the statutes, as created by 2009 Wisconsin Act 28,  
9 is amended to read:

10           108.24 **(2m)** Any employer described in s. 108.18 (2) (c) or engaged in the  
11 painting or drywall finishing of buildings or other structures who willfully provides  
12 false information to the department for the purpose of misclassifying or attempting  
13 to misclassify an individual who is an employee of the employer as a nonemployee  
14 shall be fined \$25,000 for each violation.

15           **SECTION 4.** 111.327 of the statutes, as created by 2009 Wisconsin Act 28, is  
16 amended to read:

17           **111.327 Construction contractors.** Any employer described in s. 108.18 (2)  
18 (c) or engaged in the painting or drywall finishing of buildings or other structures  
19 who willfully and with intent to evade any requirement of this subchapter  
20 misclassifies or attempts to misclassify an individual who is an employee of the  
21 employer as a nonemployee shall be fined \$25,000 for each violation. The  
22 department shall promulgate rules defining what constitutes a willful  
23 misclassification of an employee as a nonemployee for purposes of this section and  
24 of ss. 102.07 (8) (d) and 108.24 (2m).

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**(END)**