

1 SECTION 86. 102.17 (1) (c) of the statutes is renumbered 102.17 (1) (c) 1. and
2 amended to read:

3 102.17 (1) (c) 1. Any party shall have the right to be present at any hearing, in
4 person or by attorney or any other agent, and to present such testimony as may be
5 pertinent to the controversy before the department division. No person, firm, or
6 corporation, other than an attorney at law who is licensed to practice law in the state,
7 may appear on behalf of any party in interest before the department division or any
8 member or employee of the department division assigned to conduct any hearing,
9 investigation, or inquiry relative to a claim for compensation or benefits under this
10 chapter, unless the person is 18 years of age or older, does not have an arrest or
11 conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified,
12 and has obtained from the department division a license with authorization to
13 appear in matters or proceedings before the department division. Except as provided
14 under pars. (cm), (cr), and (ct), the license shall be issued by the department division
15 under rules promulgated by the department division. The department division shall
16 maintain in its office a current list of persons to whom licenses have been issued.

17 2. Any license issued under subd. 1. may be suspended or revoked by the
18 department division for fraud or serious misconduct on the part of an agent, any
19 license may be denied, suspended, nonrenewed, or otherwise withheld by the
20 department division for failure to pay court-ordered payments as provided in par.
21 (cm) on the part of an agent, and any license may be denied or revoked if the
22 department of revenue certifies under s. 73.0301 that the applicant or licensee is
23 liable for delinquent taxes or if the department of workforce development determines
24 under par. (ct) s. 108.227 that the applicant or licensee is liable for delinquent
25 unemployment insurance contributions. Before suspending or revoking the license

1 of the agent on the grounds of fraud or misconduct, the ~~department~~ division shall give
 2 notice in writing to the agent of the charges of fraud or misconduct and shall give the
 3 agent full opportunity to be heard in relation to those charges. In denying,
 4 suspending, restricting, refusing to renew, or otherwise withholding a license for
 5 failure to pay court-ordered payments as provided in par. (cm), the ~~department~~
 6 division shall follow the procedure provided in a memorandum of understanding
 7 entered into under s. 49.857. ~~The license and certificate of authority shall, unless~~
 8 3. Unless otherwise suspended or revoked, a license issued under subd. 1. shall
 9 be in force from the date of issuance until the June 30 following the date of issuance
 10 and may be renewed by the ~~department~~ division from time to time, but each renewed
 11 license shall expire on the June 30 following the issuance of the renewed license.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

12 **SECTION 87.** 102.17 (1) (cg) 1. of the statutes is amended to read:

13 102.17 (1) (cg) 1. Except as provided in subd. 2m., the ~~department~~ division shall
 14 require each applicant for a license under par. (c) who is an individual to provide the
 15 ~~department~~ division with the applicant's social security number, and shall require
 16 each applicant for a license under par. (c) who is not an individual to provide the
 17 ~~department~~ division with the applicant's federal employer identification number,
 18 when initially applying for or applying to renew the license.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

19 **SECTION 88.** 102.17 (1) (cg) 2. of the statutes is amended to read:

20 102.17 (1) (cg) 2. If an applicant who is an individual fails to provide the
 21 applicant's social security number to the ~~department~~ division or if an applicant who
 22 is not an individual fails to provide the applicant's federal employer identification
 23 number to the ~~department~~ division, the ~~department~~ division may not issue or renew

1 a license under par. (c) to or for the applicant unless the applicant is an individual
2 who does not have a social security number and the applicant submits a statement
3 made or subscribed under oath or affirmation as required under subd. 2m.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

4 **SECTION 89.** 102.17 (1) (cg) 2m. of the statutes is amended to read:

5 102.17 (1) (cg) 2m. If an applicant who is an individual does not have a social
6 security number, the applicant shall submit a statement made or subscribed under
7 oath or affirmation to the ~~department~~ division that the applicant does not have a
8 social security number. The form of the statement shall be prescribed by the
9 ~~department~~ division. A license issued in reliance upon a false statement submitted
10 under this subdivision is invalid.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

11 **SECTION 90.** 102.17 (1) (cg) 3. of the statutes is amended to read:

12 102.17 (1) (cg) 3. The ~~department of workforce development~~ office may not
13 disclose any information received under subd. 1. to any person except to the
14 department of revenue for the sole purpose of requesting certifications under s.
15 73.0301, the ~~department of workforce development~~ for the sole purpose of requesting
16 certifications under s. 108.227, or the department of children and families for
17 purposes of administering s. 49.22.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

18 **SECTION 91.** 102.17 (1) (cm) of the statutes is amended to read:

19 102.17 (1) (cm) The ~~department of workforce development~~ division shall deny,
20 suspend, restrict, refuse to renew, or otherwise withhold a license under par. (c) for
21 failure of the applicant or agent to pay court-ordered payments of child or family
22 support, maintenance, birth expenses, medical expenses, or other expenses related

1 to the support of a child or former spouse or for failure of the applicant or agent to
2 comply, after appropriate notice, with a subpoena or warrant issued by the
3 department of children and families or a county child support agency under s. 59.53
4 (5) and related to paternity or child support proceedings, as provided in a
5 memorandum of understanding entered into under s. 49.857. Notwithstanding par.
6 (c), an action taken under this paragraph is subject to review only as provided in the
7 memorandum of understanding entered into under s. 49.857 and not as provided in
8 ch. 227.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

9 **SECTION 92.** 102.17 (1) (cr) of the statutes is amended to read:

10 102.17 (1) (cr) The department [✓]office shall deny an application for the issuance
11 or renewal of a license under par. (c), or revoke such a license already issued, if the
12 department of revenue certifies under s. 73.0301 that the applicant or licensee is
13 liable for delinquent taxes. Notwithstanding par. (c), an action taken under this
14 paragraph is subject to review only as provided under s. 73.0301 (5) and not as
15 provided in ch. 227.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

16 **SECTION 93.** 102.17 (1) (ct) of the statutes is repealed and recreated to read:

17 102.17 (1) (ct) The office shall deny an application for the issuance or renewal
18 of a license under par. (c), or revoke such a license already issued, if the department
19 of workforce development certifies under s. 108.227 that the applicant or licensee is
20 liable for delinquent unemployment insurance contributions. Notwithstanding par.
21 (c), an action taken under this paragraph is subject to review only as provided under
22 s. 108.227 (5) and not as provided in ch. 227.

23 **SECTION 94.** 102.17 (1) (d) 1. of the statutes is amended to read:

1 102.17 (1) (d) 1. The contents of certified medical and surgical reports by
2 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,
3 advanced practice nurse prescribers, and chiropractors licensed in and practicing in
4 this state, and of certified reports by experts concerning loss of earning capacity
5 under s. 102.44 (2) and (3), presented by a party for compensation constitute prima
6 facie evidence as to the matter contained in those reports, subject to any rules and
7 limitations the department division prescribes. Certified reports of physicians,
8 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced
9 practice nurse prescribers, and chiropractors, wherever licensed and practicing, who
10 have examined or treated the claimant, and of experts, if the practitioner or expert
11 consents to being subjected to cross-examination, also constitute prima facie
12 evidence as to the matter contained in those reports. Certified reports of physicians,
13 podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of
14 the diagnosis, necessity of the treatment, and cause and extent of the disability.
15 Certified reports by doctors of dentistry, physician assistants, and advanced practice
16 nurse prescribers are admissible as evidence of the diagnosis and necessity of
17 treatment but not of the cause and extent of disability. Any physician, podiatrist,
18 surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice
19 nurse prescriber, or expert who knowingly makes a false statement of fact or opinion
20 in such a certified report may be fined or imprisoned, or both, under s. 943.395.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

21 **SECTION 95.** 102.17 (1) (d) 2. of the statutes is amended to read:

22 102.17 (1) (d) 2. The record of a hospital or sanatorium in this state that is
23 satisfactory to the department division, established by certificate, affidavit, or
24 testimony of the supervising officer of the hospital or sanatorium, any other person

1 having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist,
2 physician assistant, advanced practice nurse prescriber, or chiropractor to be the
3 record of the patient in question, and made in the regular course of examination or
4 treatment of the patient, constitutes prima facie evidence as to the matter contained
5 in the record, to the extent that the record is otherwise competent and relevant.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

6 **SECTION 96.** 102.17 (1) (d) 3. of the statutes is amended to read:

7 102.17 (1) (d) 3. The ~~department~~ division may, by rule, establish the
8 qualifications of and the form used for certified reports submitted by experts who
9 provide information concerning loss of earning capacity under s. 102.44 (2) and (3).
10 The ~~department~~ division may not admit into evidence a certified report of a
11 practitioner or other expert or a record of a hospital or sanatorium that was not filed
12 with the ~~department~~ division and all parties in interest at least 15 days before the
13 date of the hearing, unless the ~~department~~ division is satisfied that there is good
14 cause for the failure to file the report.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

15 **SECTION 97.** 102.17 (1) (d) 4. of the statutes is amended to read:

16 102.17 (1) (d) 4. A report or record described in subd. 1., 2., or 3. that is admitted
17 or received into evidence by the ~~department~~ division constitutes substantial
18 evidence under s. 102.23 (6) as to the matter contained in the report or record.

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History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

19 **SECTION 98.** 102.17 (1) (f) of the statutes is amended to read:

20 102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under
21 this chapter, except as to a witness who is any of the following:

22 1. ~~Who is beyond~~ Beyond reach of the subpoena of the ~~department~~ or division.

1 2. ~~Who is about~~ About to go out of the state, not intending to return in time for
2 the ~~hearing; or~~ hearing.

3 3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will
4 not be able to attend the ~~hearing; or~~ hearing.

5 4. ~~Who is a~~ A member of the legislature, if any committee of the ~~same or~~
6 legislature or of the house of which the witness is a member, is in session, ~~provided~~
7 and the witness waives his or her privilege.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

8 **SECTION 99.** 102.17 (1) (g) of the statutes is amended to read:

9 102.17 (1) (g) Whenever the testimony presented at any hearing indicates a
10 dispute or creates a doubt as to the extent or cause of disability or death, the
11 ~~department~~ division may direct that the injured employee be examined, that an
12 autopsy be performed, or that an opinion be obtained without examination or
13 autopsy, by or from an impartial, competent physician, chiropractor, dentist,
14 psychologist or podiatrist designated by the ~~department~~ division who is not under
15 contract with or regularly employed by a compensation insurance carrier or
16 self-insured employer. The expense of the examination, autopsy, or opinion shall be
17 paid by the employer or, if the employee claims compensation under s. 102.81, from
18 the uninsured employers fund. The report of the examination, autopsy, or opinion
19 shall be transmitted in writing to the ~~department~~ division and a copy of the report
20 shall be furnished by the ~~department~~ division to each party, who shall have an
21 opportunity to rebut ~~such~~ the report on further hearing.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

22 **SECTION 100.** 102.17 (1) (h) of the statutes is amended to read:

1 102.17 (1) (h) The contents of certified reports of investigation, made by
 2 industrial safety specialists who are employed, contracted, or otherwise secured by
 3 the ~~department~~ division and who are available for cross-examination, if served upon
 4 the parties 15 days prior to hearing, shall constitute prima facie evidence as to
 5 matter contained in those reports. A report described in this paragraph that is
 6 admitted or received into evidence by the ~~department~~ division constitutes
 7 substantial evidence under s. 102.23 (6) as to the matter contained in the report.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

8 **SECTION 101.** 102.17 (2) of the statutes is amended to read:

9 102.17 (2) If the ~~department~~ division has reason to believe that the
 10 payment of compensation has not been made, ~~it~~ the division may on its own motion
 11 give notice to the parties, in the manner provided for the service of an application,
 12 of a time and place when a hearing will be held for the purpose of determining the
 13 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.
 14 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an
 15 application shall ~~attach~~ apply, insofar as ~~the same may be applicable, to a proceeding~~
 16 under this subsection. When the ~~department~~ division schedules a hearing on its own
 17 motion, the ~~department~~ division does not become a party in interest and is not
 18 required to appear at the hearing.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

19 **SECTION 102.** 102.17 (2m) of the statutes is amended to read:

20 102.17 (2m) Any The division or any party, including the ~~department~~ office,
 21 may require any person to produce books, papers, and records at the hearing by
 22 personal service of a subpoena upon the person along with a tender of witness fees
 23 as provided in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena

1 shall be on a form provided by the ~~department~~ division and shall give the name and
2 address of the party requesting the subpoena.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

3 **SECTION 103.** 102.17 (2s) of the statutes is amended to read:

4 102.17 (2s) A party's attorney of record may issue a subpoena to compel the
5 attendance of a witness or the production of evidence. A subpoena issued by an
6 attorney must be in substantially the same form as provided in s. 805.07 (4) and must
7 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of
8 issuance, send a copy of the subpoena to the ~~appeal tribunal hearing~~ examiner or
9 other representative of the ~~department~~ division responsible for conducting the
10 proceeding.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

11 **SECTION 104.** 102.17 (7) (b) of the statutes is amended to read:

12 102.17 (7) (b) Except as provided in par. (c), the ~~department~~ division shall
13 exclude from evidence testimony or certified reports from expert witnesses under
14 par. (a) offered by the party that raises the issue of loss of earning capacity if that
15 party failed to notify the ~~department~~ division and the other parties of interest, at
16 least 60 days before the date of the hearing, of the party's intent to provide the
17 testimony or reports and of the names of the expert witnesses involved. Except as
18 provided in par. (c), the ~~department~~ division shall exclude from evidence testimony
19 or certified reports from expert witnesses under par. (a) offered by a party of interest
20 in response to the party that raises the issue of loss of earning capacity if the
21 responding party failed to notify the ~~department~~ division and the other parties of

1 interest, at least 45 days before the date of the hearing, of the party's intent to provide
2 the testimony or reports and of the names of the expert witnesses involved.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

3 **SECTION 105.** 102.17 (7) (c) of the statutes is amended to read:

4 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the
5 ~~department~~ division may receive in evidence testimony or certified reports from
6 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is
7 not met if good cause is shown for the delay in providing the notice required under
8 par. (b) and if no party is prejudiced by the delay.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

9 **SECTION 106.** 102.17 (8) of the statutes is amended to read:

10 102.17 (8) Unless otherwise agreed to by all parties, an injured employee shall
11 file with the ~~department~~ division and serve on all parties at least 15 days before the
12 date of the hearing an itemized statement of all medical expenses and incidental
13 compensation under s. 102.42 claimed by the injured employee. The itemized
14 statement shall include, if applicable, information relating to any travel expenses
15 incurred by the injured employee in obtaining treatment including the injured
16 employee's destination, number of trips, round trip mileage, and meal and lodging
17 expenses. The ~~department~~ division may not admit into evidence any information
18 relating to medical expenses and incidental compensation under s. 102.42 claimed
19 by an injured employee if the injured employee failed to file with the ~~department~~
20 division and serve on all parties at least 15 days before the date of the hearing an
21 itemized statement of the medical expenses and incidental compensation under s.

1 102.42 claimed by the injured employee, unless the ~~department~~ division is satisfied
2 that there is good cause for the failure to file and serve the itemized statement.

History: 1971 c. 148; 1971 c. 213 s. 5; 1973 c. 150, 282; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 20, 54; 1975 c. 199, 200; 1977 c. 29, 195, 273; 1979 c. 278; 1981 c. 92, 314; 1981 c. 317 s. 2202; 1981 c. 380; 1981 c. 391 s. 211; 1985 a. 83; 1989 a. 64, 139, 359; 1991 a. 85; 1993 a. 81, 492; 1995 a. 27, 117; 1997 a. 38, 191, 237; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 180, 206; 2011 a. 183; 2013 a. 36.

3 **SECTION 107.** 102.175 (2) of the statutes is amended to read:

4 102.175 (2) If after a hearing or a prehearing conference the ~~department~~
5 division determines that an injured employee is entitled to compensation but that
6 there remains in dispute only the issue of which of 2 or more parties is liable for that
7 compensation, the ~~department~~ division may order one or more parties to pay
8 compensation in an amount, time, and manner as determined by the ~~department~~
9 division. If the ~~department~~ division later determines that another party is liable for
10 compensation, the ~~department~~ division shall order that other party to reimburse any
11 party that was ordered to pay compensation under this subsection.

History: 1979 c. 278; 1993 a. 81.

12 **SECTION 108.** 102.18 (1) (b) of the statutes is amended to read:

13 102.18 (1) (b) Within 90 days after the final hearing and close of the record, the
14 ~~department~~ division shall make and file its findings upon the ultimate facts involved
15 in the controversy, and its order, which shall state ~~its~~ the division's determination as
16 to the rights of the parties. Pending the final determination of any controversy before
17 it, the ~~department~~ division, may in its discretion after any hearing, may, in its
18 discretion, make interlocutory findings, orders, and awards, which may be enforced
19 in the same manner as final awards. The ~~department~~ division may include in any
20 interlocutory or final award or order an order directing the employer or insurer to pay
21 for any future treatment that may be necessary to cure and relieve the employee from
22 the effects of the injury. If the ~~department~~ division finds that the employer or insurer
23 has not paid any amount that the employer or insurer was directed to pay in any

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1 interlocutory order or award and that the nonpayment was not in good faith, the
2 ~~department~~ division may include in its final award a penalty not exceeding ~~25%~~ 25
3 percent of each amount that was not paid as directed. When there is a finding that
4 the employee is in fact suffering from an occupational disease caused by the
5 employment of the employer against whom the application is filed, a final award
6 dismissing the application upon the ground that the applicant has suffered no
7 disability from the disease shall not bar any claim the employee may thereafter have
8 for disability sustained after the date of the award.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

9 **SECTION 109.** 102.18 (1) (bg) 1. of the statutes is amended to read:

10 102.18 (1) (bg) 1. If the ~~department~~ division finds under par. (b) that an insurer
11 or self-insured employer is liable under this chapter for any health services provided
12 to an injured employee by a health service provider, but that the reasonableness of
13 the fee charged by the health service provider is in dispute, the ~~department~~ division
14 may include in its order under par. (b) a determination as to the reasonableness of
15 the fee or the ~~department~~ division may notify, or direct the insurer or self-insured
16 employer to notify, the health service provider under s. 102.16 (2) (b) that the
17 reasonableness of the fee is in dispute. The ~~department~~ division shall deny payment
18 of a health service fee that the ~~department~~ division determines under this
19 subdivision to be unreasonable. An insurer or self-insured employer and a health
20 service provider that are parties to a fee dispute under this subdivision are bound by
21 the ~~department's~~ division's determination under this subdivision on the
22 reasonableness of the disputed fee, unless that determination is set aside, reversed,

1 or modified by the department division under sub. (3) or by the commission under
2 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

3 **SECTION 110.** 102.18 (1) (bg) 2. of the statutes is amended to read:

4 102.18 (1) (bg) 2. If the department division finds under par. (b) that an
5 employer or insurance carrier is liable under this chapter for any treatment provided
6 to an injured employee by a health service provider, but that the necessity of the
7 treatment is in dispute, the department division may include in its order under par.
8 (b) a determination as to the necessity of the treatment or the department division
9 may notify, or direct the employer or insurance carrier to notify, the health service
10 provider under s. 102.16 (2m) (b) that the necessity of the treatment is in dispute.
11 Before determining under this subdivision the necessity of treatment provided to an
12 injured employee, the department division may, but is not required to, obtain the
13 opinion of an expert selected by the department division who is qualified as provided
14 in s. 102.16 (2m) (c). The standards promulgated under s. 102.16 (2m) (g) shall be
15 applied by an expert in rendering an opinion as to, and in determining, necessity of
16 treatment under this subdivision. In cases in which no standards promulgated
17 under s. 102.16 (2m) (g) apply, the department division shall find the facts regarding
18 necessity of treatment. The department division shall deny payment for any
19 treatment that the department division determines under this subdivision to be
20 unnecessary. An insurer or self-insured employer and a health service provider that
21 are parties to a dispute under this subdivision over the necessity of treatment are
22 bound by the department's division's determination under this subdivision on the
23 necessity of the disputed treatment, unless that determination is set aside, reversed,

1 or modified by the ~~department~~ division under sub. (3) or by the commission under
2 sub. (3) or (4) or is set aside on judicial review under s. 102.23.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

3 **SECTION 111.** 102.18 (1) (bg) 3. of the statutes is amended to read:

4 102.18 (1) (bg) 3. If the ~~department~~ division finds under par. (b) that an insurer
5 or self-insured employer is liable under this chapter for the cost of a prescription
6 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but
7 that the reasonableness of the amount charged for that prescription drug is in
8 dispute, the ~~department~~ division may include in its order under par. (b) a
9 determination as to the reasonableness of the prescription drug charge or the
10 ~~department~~ division may notify, or direct the insurer or self-insured employer to
11 notify, the pharmacist or practitioner dispensing the prescription drug under s.
12 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in
13 dispute. The ~~department~~ division shall deny payment of a prescription drug charge
14 that the ~~department~~ division determines under this subdivision to be unreasonable.
15 An insurer or self-insured employer and a pharmacist or practitioner that are
16 parties to a dispute under this subdivision over the reasonableness of a prescription
17 drug charge are bound by the ~~department's~~ division's determination under par. (b)
18 on the reasonableness of the disputed prescription drug charge, unless that
19 determination is set aside, reversed, or modified by the ~~department~~ division under
20 sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial review
21 under s. 102.23.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

22 **SECTION 112.** 102.18 (1) (bp) of the statutes is amended to read:

1 102.18 (1) (bp) If the department [✓] division [✓] determines that the employer or
2 insurance carrier suspended, terminated, or failed to make payments or failed to
3 report an injury as a result of malice or bad faith, the department [✓] division [✓] may
4 include a penalty in an award to an employee for each event or occurrence of malice
5 or bad faith. ~~This~~ That penalty is the exclusive remedy against an employer or
6 insurance carrier for malice or bad faith. If ~~this~~ the penalty is imposed for an event
7 or occurrence of malice or bad faith that causes a payment that is due an injured
8 employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46
9 (1), the department [✓] division [✓] may not also order an increased payment under s.
10 102.22 (1) or the payment of interest under s. 628.46 (1). The department [✓] division [✓]
11 may award an amount that ~~it~~ the division [✓] considers just, not to exceed the lesser of
12 200 percent of total compensation due or \$30,000 for each event or occurrence of
13 malice or bad faith. The department [✓] division [✓] may assess the penalty against the
14 employer, the insurance carrier, or both. Neither the employer nor the insurance
15 carrier is liable to reimburse the other for the penalty amount. The department [✓]
16 division [✓] may, by rule, define actions ~~which~~ that demonstrate malice or bad faith.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

17 **SECTION 113.** 102.18 (1) (bw) of the statutes is amended to read:

18 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the
19 uninsured employers fund pays compensation to an employee in excess of its liability
20 and another insurer is liable for all or part of the excess payment, the department [✓]
21 division [✓] may order the insurer ~~or self-insured employer~~ that is liable for that excess
22 payment to reimburse the insurer or self-insured employer that made the excess
23 payment or, if applicable, the uninsured employers fund.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

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1 **SECTION 114.** 102.18 (1) (c) of the statutes is amended to read:

2 102.18 (1) (c) If 2 or more examiners have conducted a formal hearing on a claim
3 and are unable to agree on the order or award to be issued, the decision shall be the
4 decision of the majority. If the examiners are equally divided on the decision, the
5 ~~department~~ division may appoint an additional examiner who shall review the
6 record and consult with the other examiners concerning their personal impressions
7 of the credibility of the evidence. Findings of fact and an order or award may then
8 be issued by a majority of the examiners.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

9 **SECTION 115.** 102.18 (1) (e) of the statutes is amended to read:

10 102.18 (1) (e) Except as provided in s. 102.21, if the ~~department~~ division orders
11 a party to pay an award of compensation, the party shall pay the award no later than
12 21 days after the date on which the order is mailed to the last-known address of the
13 party, unless the party files a petition for review under sub. (3). This paragraph
14 applies to all awards of compensation ordered by the ~~department~~ division, whether
15 the award results from a hearing, the default of a party, or a compromise or
16 stipulation confirmed by the ~~department~~ division.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

17 **SECTION 116.** 102.18 (2) of the statutes is amended to read:

18 102.18 (2) The ~~department~~ division shall have and maintain on its staff such
19 examiners as are necessary to hear and decide disputed claims and to assist in the
20 effective ~~administration of adjudication of disputes under~~ administration of adjudication of disputes under this chapter. ~~These~~ Those
21 examiners shall be attorneys and may be designated as administrative law judges.
22 ~~These~~ Those examiners may make findings and orders, and may approve, review, set

1 aside, modify, or confirm stipulations of settlement or compromises of claims for
2 compensation.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

3 **SECTION 117.** 102.18 (3) of the statutes is amended to read:

4 102.18 (3) A party in interest may petition the commission for review of an
5 examiner's decision awarding or denying compensation if the ~~department~~ [✓] division
6 or commission receives the petition within 21 days after the ~~department~~ [✓] division
7 mailed a copy of the examiner's findings and order to the ~~party's~~ [✓] last-known address
8 addresses of the parties in interest. The commission shall dismiss a petition ~~which~~
9 that is not timely filed unless the petitioner shows probable good cause that the
10 reason for failure to timely file was beyond the petitioner's control. If no petition is
11 filed within 21 days ~~from~~ after the date ~~that~~ on which a copy of the findings or order
12 of the examiner is mailed to the last-known ~~address~~ [✓] addresses of the parties in
13 interest, the findings or order shall be considered final unless set aside, reversed, or
14 modified by the examiner within that time. If the findings or order are set aside by
15 the examiner, the status shall be the same as prior to the setting aside of the findings
16 or order ~~set aside~~. If the findings or order are reversed or modified by the examiner,
17 the time for filing a petition commences ~~with~~ on the date ~~that~~ on which notice of
18 reversal or modification is mailed to the last-known ~~address~~ [✓] addresses of the parties
19 in interest. The commission shall either affirm, reverse, set aside, or modify the
20 findings or order, in whole or in part, or direct the taking of additional evidence. ~~This~~
21 The commission's action shall be based on a review of the evidence submitted.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

22 **SECTION 118.** 102.18 (4) (c) 3. of the statutes is amended to read:

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1 102.18 (4) (c) 3. Remand the case to the department [✓] division [✓] for further
2 proceedings.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

3 **SECTION 119.** 102.18 (4) (d) of the statutes is amended to read:

4 102.18 (4) (d) While a petition for review by the commission is pending or after
5 entry of an order or award by the commission, but before commencement of an action
6 for judicial review or expiration of the period in which to commence an action for
7 judicial review, the commission shall remand any compromise presented to it to the
8 department [✓] division [✓] for consideration and approval or rejection pursuant to under
9 s. 102.16 (1). Presentation of a compromise does not affect the period in which to
10 commence an action for judicial review.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

11 **SECTION 120.** 102.18 (5) of the statutes is amended to read:

12 102.18 (5) If it ~~shall appear to the department~~ [✓] appears to the division [✓] that a
13 mistake may have been made as to cause of injury in the findings, order, or award
14 upon an alleged injury based on accident, when in fact the employee was suffering
15 from an occupational disease, within 3 years after the date of the findings, order, or
16 award the department [✓] division [✓] may, upon its own motion, with or without hearing,
17 ~~within 3 years from the date of such findings, order or award,~~ set aside ~~such the~~
18 findings, order or award, or the department [✓] division [✓] may take ~~such that~~ that action upon
19 application made within ~~such those~~ those 3 years. ~~Thereafter, and after~~ After an
20 opportunity for hearing, the department [✓] division [✓] may, if in fact the employee is
21 suffering from disease arising out of the employment, make new findings, and a new
22 order or award, or if the [✓] division may reinstate the previous findings, order, or award.

23 **SECTION 121.** 102.18 (6) of the statutes is amended to read:

1 102.18 (6) In case of disease arising out of the employment, the department
2 division may from time to time review its findings, order, or award, and make new
3 findings, or a new order or award, based on the facts regarding disability or otherwise
4 as they those facts may then appear at the time of the review. This subsection shall
5 not affect the application of the limitation in s. 102.17 (4).

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 29, 195; 1979 c. 89, 278, 355; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1997 a. 38; 1999 a. 14; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

6 **SECTION 122.** 102.19 of the statutes is amended to read:

7 **102.19 Alien dependents; payments through consular officers.** ~~In case~~
8 If a deceased employee, for whose injury or death compensation is payable, leaves
9 surviving alien dependents residing outside of the United States, the duly accredited
10 consular officer of the country of which such those dependents are citizens or ~~such~~
11 that officer's designated representative residing within the state shall, except as
12 otherwise determined by the department office, be the sole representative of the
13 deceased employee and dependents in all matters pertaining to their claims for
14 compensation. The receipt ~~by such officer or agent~~ of compensation funds and the
15 distribution ~~thereof~~ of those funds by a consular officer or representative shall be
16 made only upon order of the department office, and payment to ~~such the~~ officer or
17 agent ~~pursuant to any such representative under that~~ order shall be a full discharge
18 of the benefits or compensation. ~~Such due the deceased employee and his or her~~
19 dependents. If required by the office, a consular officer or ~~such officer's~~
20 representative shall furnish, ~~if required by the department,~~ a bond to be approved
21 by ~~it~~ the office, conditioned upon the proper application of all moneys received by
22 ~~such person~~ the consular officer or representative. Before ~~such that~~ bond is
23 discharged, ~~such the~~ consular officer or representative shall file with the department
24 a office an itemized and verified account of the items of his or her receipts and

1 ~~disbursements receipt and disbursement~~ of such ~~that~~ compensation. ~~Such~~ The
2 consular officer or representative shall make interim reports to the ~~department~~ office
3 as ~~it~~ the office may require.

4 History: 1977 c. 29.

SECTION 123. 102.195 of the statutes is amended to read:

5 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~
6 ease If an employee is adjudged ~~insane~~ mentally ill or incompetent, or convicted of
7 a felony, and is confined in a public institution and has wholly dependent upon the
8 employee for support a person, whose dependency is determined as if the employee
9 were deceased, compensation payable during the period of the employee's
10 confinement may be paid to the employee and the employee's dependents, in such
11 manner, for such time, and in such amount as the ~~department~~ office by order
12 provides.

13 History: 1993 a. 492.

SECTION 124. 102.21 of the statutes is amended to read:

14 **102.21 Payment of awards by municipalities.** Whenever an award is made
15 by ~~the department~~ under this chapter or s. 66.191, 1981 stats., against any
16 municipality, the person in whose favor ~~it~~ the award is made shall file a certified copy
17 thereof of the award with the municipal clerk. ~~Within 20 days thereafter, unless~~
18 Unless an appeal is taken, ~~such~~ within 20 days after that filing, the municipal clerk
19 shall draw an order on the municipal treasurer for the payment of the award. If upon
20 appeal ~~such~~ the award is affirmed in whole or in part ~~the,~~ the municipal clerk shall
21 draw an order for payment shall be drawn of the award within 10 days after a
22 certified copy of ~~such~~ the judgment affirming the award is filed with ~~the proper that~~
23 clerk. If the award or judgment provides for more than one payment is provided for
24 in the award or judgment, orders shall be drawn, the municipal clerk shall draw

1 orders for payment as the payments become due. No statute relating to the filing
2 of claims against, ~~and or~~ or the auditing, allowing, and payment of claims by
3 ~~municipalities shall apply, a municipality applies~~ to the payment of an award or
4 judgment under this section.

History: 1983 a. 191 s. 6.

5 **SECTION 125.** 102.22 (1) of the statutes is amended to read:

6 102.22 (1) If the employer or his or her insurer inexcusably delays in making
7 the first payment that is due an injured employee for more than 30 days after the day
8 date on which the employee leaves work as a result of an injury and if the amount
9 due is \$500 or more, the payments as to which the delay is found shall be increased
10 by ~~10%~~ 10 percent. If the employer or his or her insurer inexcusably delays in making
11 the first payment that is due an injured employee for more than 14 days after the day
12 date on which the employee leaves work as a result of an injury, the payments as to
13 which the delay is found may be increased by ~~10%~~ 10 percent. If the employer or his
14 or her insurer inexcusably delays for any length of time in making any other payment
15 that is due an injured employee, the payments as to which the delay is found may
16 be increased by ~~10%~~ 10 percent. ~~Where~~ 10 percent. If the delay is chargeable to the employer
17 and not to the insurer, s. 102.62 ~~shall apply~~ applies and the relative liability of the
18 parties shall be fixed and discharged as ~~therein~~ provided in that section. The
19 ~~department~~ division may also order the employer or insurance carrier to reimburse
20 the employee for any finance charges, collection charges, or interest ~~which~~ that the
21 employee paid as a result of the inexcusable delay by the employer or insurance
22 carrier.

History: 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1993 a. 81.

23 **SECTION 126.** 102.22 (2) of the statutes is amended to read:

1 102.22 (2) If ~~the sum ordered by the department~~ any sum that the division
2 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~
3 10 percent per year. The state is liable for ~~such~~ interest on awards issued against
4 it under this chapter. The ~~department~~ division has jurisdiction to issue an award for
5 payment of ~~such~~ interest under this subsection at any time within one year of after
6 the date of its order; or ~~upon appeal, if the order is appealed, within one year~~ after
7 final court determination. ~~Such interest~~ Interest awarded under this subsection
8 becomes due from the date the examiner's order becomes final or from the date of a
9 decision by the ~~labor and industry review~~ commission, whichever is later.

History: 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1993 a. 81.

10 **SECTION 127.** 102.23 (1) (a) of the statutes is amended to read:

11 102.23 (1) (a) The findings of fact made by the commission acting within its
12 powers shall, in the absence of fraud, be conclusive. The order or award granting or
13 denying compensation, either interlocutory or final, whether judgment has been
14 rendered on ~~it~~ the order or award or not, is subject to review only as provided in this
15 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order
16 or award made by the commission either originally or after the filing of a petition for
17 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby~~ by
18 the order or award may by serving a complaint as provided in par. (b) and filing the
19 summons and complaint with the clerk of the circuit court commence, in circuit court,
20 an action against the commission for the review of the order or award, in which action
21 the adverse party shall also be made a defendant. If the circuit court is satisfied that
22 a party in interest has been prejudiced because of an exceptional delay in the receipt
23 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an
24 action may be commenced by an additional 30 days. The proceedings shall be in the

1 circuit court of the county where the plaintiff resides, except that if the plaintiff is
2 a state agency, the proceedings shall be in the circuit court of the county where the
3 defendant resides. The proceedings may be brought in any circuit court if all parties
4 stipulate and that court agrees.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442.

5 **SECTION 128.** 102.23 (1) (b) of the statutes is amended to read:

6 102.23 (1) (b) In ~~such~~ an action for review of an order or award a complaint shall
7 be served with an authenticated copy of the summons. The complaint need not be
8 verified, but shall state the grounds upon which a review is sought. Service upon a
9 ~~commissioner~~ [✓] or member of the commission or [✓] an agent authorized by the
10 commission to accept service constitutes complete service on all parties, but there
11 shall be left with the person so served as many copies of the summons and complaint
12 as there are defendants, and the commission shall mail one copy to each other
13 defendant.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442.

14 **SECTION 129.** 102.23 (2) of the statutes is amended to read:

15 102.23 (2) Upon the trial of ~~any such~~ an action for review of an order or award
16 the court shall disregard any irregularity or error of the commission or the
17 ~~department~~ [✓] division unless it is made to affirmatively appear that the plaintiff was
18 damaged ~~thereby~~ by that irregularity or error.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442.

19 **SECTION 130.** 102.23 (3) of the statutes is amended to read:

20 102.23 (3) The record in any case shall be transmitted to the ~~department~~ [✓]
21 division within 5 days after expiration of the time for appeal from the order or

1 judgment of the court, unless an appeal shall be is taken from such that order or
2 judgment.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442.

3 **SECTION 131.** 102.23 (5) of the statutes is amended to read:

4 102.23 (5) When an action for review involves only the question of liability as
5 between the employer and one or more insurance companies or as between several
6 insurance companies, a party that has been ordered by the department division, the
7 commission, or a court to pay compensation is not relieved from paying compensation
8 as ordered.

9 **SECTION 132.** 102.24 (2) of the statutes is amended to read:

10 102.24 (2) After the commencement of an action to review any order or award
11 of the commission, the parties may have the record remanded by the court for such
12 time and under such condition as they the parties may provide, for the purpose of
13 having the department division act upon the question of approving or disapproving
14 any settlement or compromise that the parties may desire to have so approved. If
15 approved, the action shall be at an end and judgment may be entered upon the
16 approval as upon an award. If not approved, the division shall immediately return
17 the record ~~shall forthwith be returned~~ to the circuit court and the action shall proceed
18 as if no remand had been made.

History: 1975 c. 147; 1977 c. 29; 1979 c. 278; 1995 a. 224.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 c. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187; 2001 a. 37; 2005 a. 172, 442.

19 **SECTION 133.** 102.25 (1) of the statutes is amended to read:

20 102.25 (1) Any party aggrieved by a judgment entered upon the review of any
21 order or award may appeal ~~therefrom~~ the judgment within the time period specified
22 in s. 808.04 (1). A trial court shall may not require the commission or any party to
23 the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or

1 secure approval of, a transcript of the notes of the stenographic reporter or the tape
2 of the recording machine. The state is a party aggrieved under this subsection if a
3 judgment is entered upon the review confirming any order or award against the
4 state. At any time before the case is set down for hearing in the court of appeals or
5 the supreme court, the parties may have the record remanded by the court to the
6 department ^{division} in the same manner and for the same purposes as provided for
7 remanding from the circuit court to the ~~department~~ division under s. 102.24 (2).

8 **History:** 1971 c. 148; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1977 c. 29, 187, 195, 418; 1979 c. 278; 1983 a. 219.

SECTION 134. 102.26 (2) of the statutes is amended to read:

9 102.26 (2) Unless previously authorized by the ~~department~~ ^{division} division, no fee may
10 be charged or received for the enforcement or collection of any claim for
11 compensation, nor may any contract for that enforcement or collection be enforceable
12 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that
13 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim
14 is compromised or of the amount awarded, adjudged, or collected, except that in cases
15 of admitted liability in which there is no dispute as to the amount of compensation
16 due and in which no hearing or appeal is necessary, the fee charged may not exceed
17 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is
18 compromised or of the amount awarded, adjudged, or collected. The limitation as to
19 fees shall apply to the combined charges of attorneys, solicitors, representatives, and
20 adjusters who knowingly combine their efforts toward the enforcement or collection
21 of any compensation claim.

22 **History:** 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185.

SECTION 135. 102.26 (3) (b) 1. of the statutes is amended to read:

23 102.26 (3) (b) 1. ~~The department may~~ ^{Subject to sub. (2)}, upon application of
24 any interested party ~~and subject to sub. (2)~~, ^{the} division may fix the fee of the

1 claimant's attorney or representative and provide in the award for that fee to be paid
2 directly to the attorney or representative.

3 **History:** 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185.

3 **SECTION 136.** 102.26 (3) (b) 3. of the statutes is amended to read:

4 102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer
5 to pay any compensation that is due the claimant by depositing the payment directly
6 into an account maintained by the claimant at a financial institution. If the insurer
7 or self-insured employer agrees to the request, the insurer or self-insured employer
8 may deposit the payment by direct deposit, electronic funds transfer, or any other
9 money transfer technique approved by the ~~department~~[✓] division[✓]. The claimant may
10 revoke a request under this subdivision at any time by providing appropriate written
11 notice to the insurer or self-insured employer.

12 **History:** 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185.

12 **SECTION 137.** 102.26 (4) of the statutes is amended to read:

13 102.26 (4) ~~The charging or receiving of Any attorney or other person who~~
14 ~~charges or receives~~ any fee in violation of this section shall be unlawful, and the
15 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the
16 amount retained by the attorney or other person, the same to which forfeiture shall
17 be collected by the state in an action in debt, upon complaint of the ~~department~~[✓]
18 division[✓]. Out of the sum recovered the court shall direct payment to the injured party
19 of the amount of the overcharge.

20 **History:** 1971 c. 148; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29; 1979 c. 278; 1985 a. 83; 1989 a. 64; 1993 a. 490, 492; 1995 a. 224; 1999 a. 9; 2001 a. 37; 2007 a. 185.

20 **SECTION 138.** 102.27 (2) (b) of the statutes is amended to read:

21 102.27 (2) (b) If a governmental unit provides public assistance under ch. 49
22 to pay medical costs or living expenses related to a claim under this chapter and if
23 the governmental unit has given the parties to the claim written notice stating that
24 the governmental unit provided the assistance and the cost of that assistance, the

1 employer or insurance carrier owing compensation shall reimburse that
2 governmental unit ~~any compensation awarded or paid if the governmental unit has~~
3 ~~given the parties to the claim written notice stating that it provided the assistance~~
4 ~~and the cost of the assistance provided. Reimbursement shall equal the lesser of~~
5 ~~either~~ for the amount of assistance the governmental unit provided or two-thirds of
6 the amount of the award or payment remaining after deduction of attorney fees and
7 any other fees or costs chargeable under ch. 102, whichever is less. The department
8 office shall comply with this paragraph when making payments under s. 102.81.

History: 1981 c. 20, 391; 1983 a. 27, 192; 1985 a. 83; 1989 a. 64; 1993 a. 481; 1997 a. 191, 237; 1999 a. 9; 2005 a. 443 s. 265; 2007 a. 20.

9 **SECTION 139.** 102.28 (2) (a) of the statutes is amended to read:

10 102.28 (2) (a) *Duty to insure payment for compensation.* Unless exempted by
11 the department office under par. (b) or sub. (3), every employer, as described in s.
12 102.04 (1), shall insure payment for that compensation in an insurer authorized to
13 do business in this state. A joint venture may elect to be an employer under this
14 chapter and obtain insurance for payment of compensation. If a joint venture that
15 is subject to this chapter only because the joint venture elected to be an employer
16 under this chapter is dissolved and cancels or terminates its contract for the
17 insurance of compensation under this chapter, that joint venture is deemed
18 considered to have effected withdrawal, which shall be effective on the day after the
19 contract is canceled or terminated.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

20 **SECTION 140.** 102.28 (2) (b) of the statutes is amended to read:

21 102.28 (2) (b) *Exemption from duty to insure.* The department office may grant
22 a written order of exemption to an employer who shows its financial ability to pay
23 the amount of compensation, agrees to report faithfully all compensable injuries, and
24 agrees to comply with this chapter and the rules of the department office. The

1 department office may condition the granting of an exemption upon the employer's
 2 furnishing of satisfactory security to guarantee payment of all claims ~~under~~ for
 3 compensation. The department office may require that bonds or other personal
 4 guarantees be enforceable against sureties in the same manner as an award may be
 5 enforced. The department office may from time to time require proof of financial
 6 ability of the employer to pay compensation. Any exemption shall be void if the
 7 application for it contains a financial statement ~~which~~ that is false in any material
 8 respect. An employer who files an application containing a false financial statement
 9 remains subject to par. (a). The department office may promulgate rules establishing
 10 an amount to be charged to an initial applicant for exemption under this paragraph
 11 and an annual amount to be charged to employers that have been exempted under
 12 this paragraph.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

13 **SECTION 141. 102.28 (2) (c)** of the statutes is amended to read:

14 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the
 15 advice of the self-insurers council, the office may revoke an exemption granted to an
 16 employer under par. (b), upon giving the employer 10 days' written notice, if the
 17 department office finds that the employer's financial condition is inadequate to pay
 18 its employees' claims for compensation, that the employer has received an excessive
 19 number of claims for compensation, or that the employer has failed to discharge
 20 faithfully its obligations according to the agreement contained in the application for
 21 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of
 22 revocation, the employer may request in writing a review of the revocation by the
 23 secretary commissioner or the secretary commissioner's designee and the secretary
 24 commissioner or the secretary's designee shall review the revocation within 30 days

1 after receipt of the request for review. If the employer is aggrieved by the
2 determination of the secretary commissioner or the secretary's commissioner's
3 designee, the employer may, within 10 days after receipt of notice of that
4 determination, request a hearing under s. 102.17. If the secretary commissioner or
5 the secretary's commissioner's designee determines that the employer's exemption
6 should be revoked, the employer shall obtain insurance coverage as required under
7 par. (a) immediately upon receipt of notice of that determination and,
8 notwithstanding the pendency of proceedings under ss. 102.17 to 102.25, shall keep
9 that coverage in force until another exemption under par. (b) is granted.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

10 **SECTION 142.** 102.28 (2) (d) of the statutes is amended to read:

11 102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who
12 procures after procuring an exemption under par. (b) ~~and thereafter~~ enters into any
13 agreement for excess insurance coverage with an insurer not authorized to do
14 business in this state shall report that agreement to the department office
15 immediately. The placing of ~~such~~ that coverage shall not by itself be grounds for
16 revocation of the exemption.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

17 **SECTION 143.** 102.28 (3) (a) (intro.) of the statutes is amended to read:

18 102.28 (3) (a) (intro.) An employer may file with the department office an
19 application for exemption from the duty to pay compensation under this chapter with
20 respect to any employee who signs the waiver described in subd. 1. and the affidavit
21 described in subd. 2. if an authorized representative of the religious sect to which the
22 employee belongs signs the affidavit specified in subd. 3. and the agreement

1 described in subd. 4. An application for exemption under this paragraph shall
2 include all of the following:

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

3 **SECTION 144.** 102.28 (3) (b) (intro.) of the statutes is amended to read:

4 102.28 (3) (b) (intro.) The ~~department~~ office shall approve an application under
5 par. (a) if the ~~department~~ office determines that all of the following conditions are
6 satisfied:

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

7 **SECTION 145.** 102.28 (3) (b) 3. of the statutes is amended to read:

8 102.28 (3) (b) 3. The religious sect to which the employee belongs has a
9 long-established history of providing its members who become dependent on the
10 religious sect as a result of work-related injuries, and the dependents of those
11 members, with a standard of living and medical treatment that are reasonable when
12 compared to the general standard of living and medical treatment for members of the
13 religious sect. In determining whether the religious sect has a long-standing history
14 of providing the financial and medical assistance described in this subdivision, the
15 ~~department~~ office shall presume that a 25-year history of providing that financial
16 and medical assistance is long-standing for purposes of this subdivision.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

17 **SECTION 146.** 102.28 (3) (c) of the statutes is amended to read:

18 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
19 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the
20 employer would be liable for under s. 102.03, who at the time of the injury was a
21 member of a religious sect whose authorized representative has filed an affidavit
22 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury
23 becomes dependent on the religious sect for financial and medical assistance, or the

1 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the
2 religious sect has provided the employee and his or her dependents with a standard
3 of living and medical treatment that are reasonable when compared to the general
4 standard of living and medical treatment for members of the religious sect. If, after
5 hearing, the department division determines that the religious sect has not provided
6 that standard of living or medical treatment, or both, the department division may
7 order the religious sect to provide alternative benefits to that employee or his or her
8 dependent, or both, in an amount that is reasonable under the circumstances, but
9 not in excess of the benefits that the employee or dependent could have received
10 under this chapter but for the waiver under par. (a) 1.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

11 **SECTION 147.** 102.28 (3) (d) of the statutes is amended to read:

12 102.28 (3) (d) The department office shall provide a form for the application for
13 exemption of an employer under par. (a) (intro.), the waiver and affidavit of an
14 employee under par. (a) 1. and 2., the affidavit of a religious sect under par. (a) 3., and
15 the agreement of a religious sect under par. (a) 4. A properly completed form is prima
16 facie evidence of satisfaction of the conditions under par. (b) as to the matter
17 contained in the form.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

18 **SECTION 148.** 102.28 (4) (a) of the statutes is amended to read:

19 102.28 (4) (a) When the department office discovers an uninsured employer,
20 the department office may order the employer to cease operations until the employer
21 complies with sub. (2).

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

22 **SECTION 149.** 102.28 (4) (b) of the statutes is amended to read:

SECTION 149

1 102.28 (4) (b) If the department [✓] office [✓] believes that an employer may be an
2 uninsured employer, the department [✓] office [✓] shall notify the employer of the alleged
3 violation of sub. (2) and the possibility of closure under this subsection. The employer
4 may request and shall receive a hearing under s. 102.17 on the matter if the employer
5 applies for a hearing within 10 days after the notice of the alleged violation is served.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

6 **SECTION 150.** 102.28 (4) (c) of the statutes is amended to read:

7 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not
8 requested, the department [✓] division [✓] may issue an order to an employer to cease
9 operations on a finding that the employer is an uninsured employer. If no hearing
10 is requested, the office may issue such an order.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

11 **SECTION 151.** 102.28 (4) (d) of the statutes is amended to read:

12 102.28 (4) (d) The department of justice may bring an action in any court of
13 competent jurisdiction for an injunction or other remedy to enforce the department's [✓]
14 an order to cease operations under par. (c).

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

15 **SECTION 152.** 102.28 (6) of the statutes is amended to read:

16 102.28 (6) REPORTS BY EMPLOYER. ~~Every employer shall upon~~ Upon request of
17 the department [✓] office, [✓] an employer shall report to it [✓] the office the number of
18 employees and employed by the employer, the nature of their work ~~and also~~, the
19 name of the insurance company with ~~whom~~ which the employer has insured its
20 liability under this chapter, and the policy number and date of expiration of ~~such~~ the
21 policy insuring that liability. Failure to furnish ~~such~~ a report requested under this
22 subsection within 10 days ~~from the making of a request~~ after the request is sent to

1 ~~the employer~~ by certified mail ~~shall constitute~~ constitutes presumptive evidence that
2 the ~~delinquent~~ employer is ~~violating~~ in violation of sub. (2).

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

3 **SECTION 153.** 102.28 (7) (a) of the statutes is amended to read:

4 102.28 (7) (a) If an employer who is currently or was formerly exempted by
5 ~~written order of the department~~ under sub. (2) is unable to pay an award, judgment
6 is rendered in accordance with s. 102.20 against that employer, and execution is
7 levied and returned unsatisfied in whole or in part, payments for the employer's
8 liability shall be made from the fund established under sub. (8). If a currently or
9 formerly exempted employer files for bankruptcy and if not less than 60 days after
10 that filing the ~~department~~ office has reason to believe that compensation payments
11 due are not being paid, the ~~department~~ office in its discretion may make payment for
12 the employer's liability from the fund established under sub. (8). The secretary of
13 administration shall proceed to recover such those payments from the employer or
14 the employer's receiver or trustee in bankruptcy, and may commence an action or
15 proceeding or file a claim ~~therefor~~ to recover those payments. The attorney general
16 shall appear on behalf of the secretary of administration in any such action or
17 proceeding. All moneys recovered in any such action or proceeding shall be paid into
18 the fund established under sub. (8).

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

19 **SECTION 154.** 102.28 (7) (b) of the statutes is amended to read:

20 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an
21 employer under sub. (2), the employer exempted by ~~written order of the department~~
22 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
23 ~~that the amount~~ assessed against each of the other such ~~exempt~~ employers ~~upon the~~

1 issuance of an initial order that are exempt under sub. (2). The order shall provide
 2 for a sum that is sufficient to secure estimated payments of the insolvent exempt
 3 employer due for the period up to the date of the order and for one year following the
 4 date of the order and to pay the estimated cost of insurance carrier or insurance
 5 service organization services under par. (c). Payments ordered to be made to the fund
 6 shall be paid to the department office within 30 days after the date of the order. If
 7 additional moneys are required, further assessments shall be made based on orders
 8 of the department office with assessment those assessments to be prorated on the
 9 basis of the gross payroll for this state of the exempt employer, as reported to the
 10 department of workforce development for the previous calendar year for
 11 unemployment insurance purposes under ch. 108. If the exempt employer is not
 12 covered under ch. 108, then the department office shall determine the comparable
 13 gross payroll for the exempt employer. If payment of any assessment made under
 14 this subsection paragraph is not made within 30 days of after the date of the order
 15 of the department office, the attorney general may appear on behalf of the state to
 16 collect the assessment.

17 **SECTION 155.** 102.28 (7) (c) of the statutes is amended to read:

18 102.28 (7) (c) The department office may retain an insurance carrier or
 19 insurance service organization to process, investigate, and pay valid claims. The
 20 charge for such service those services shall be paid from the fund as provided under
 21 par. (b).

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

22 **SECTION 156.** 102.28 (8) of the statutes is amended to read:

23 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
 24 state treasury under sub. (7), together with all accrued interest, shall constitute a

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plan
move

1 separate nonlapsible fund designated as the self-insured employers liability fund.

2 Moneys in the fund may be expended only as provided in s. 20.445 (1) (s) 20.145 (6)

3 (s) and may not be used for any other purpose of the state.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

4 SECTION 157. 102.29 (1) (a) of the statutes is amended to read:

5 102.29 (1) (a) The making of a claim for compensation against an employer or
6 compensation insurer for the injury or death of an employee shall does not affect the
7 right of the employee, the employee's personal representative, or other person
8 entitled to bring action to make a claim or maintain an action in tort against any
9 other party for such that injury or death, hereinafter referred to as a 3rd party; nor
10 shall does the making of a claim by any such person against a 3rd party for damages
11 by reason of an injury to which ss. 102.03 to 102.66 are applicable, or the adjustment
12 of any such claim, affect the right of the injured employee or the employee's
13 dependents to recover compensation. An employer or compensation insurer that has
14 paid or is obligated to pay a lawful claim under this chapter shall have the same right
15 to make a claim or maintain an action in tort against any other party for such that
16 injury or death. If the department office pays or is obligated to pay a claim under s.
17 102.66 (1) or 102.81 (1), the department office shall also have the right to make a
18 claim or maintain an action in tort against any other party for the employee's injury
19 or death. However, each party shall give to the other parties reasonable notice and,
20 the opportunity to join in the making of a claim or the instituting of such an
21 action, and the opportunity to be represented by counsel.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

History: 1973 c. 150; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 147 ss. 23, 54; 1975 c. 199; 1977 c. 195; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 1997 a. 38, 39; 2003 a. 33; 2005 a. 172.

22 SECTION 158. 102.29 (1) (b) (intro.) of the statutes is amended to read:

1 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
 2 department office shall become the agent of that party for the giving of a notice as
 3 required in par. (a) and the notice, when given to the department office, shall include
 4 an affidavit setting forth the facts, including the steps taken to locate that party.
 5 Each party shall have an equal voice in the prosecution of the claim, and any disputes
 6 arising shall be passed upon by the court before whom the case is pending, and if no
 7 action is pending, then by a court of record or by the department division. If notice
 8 is given as provided in par. (a), the liability of the tort-feasor shall be determined as
 9 to all parties having a right to make claim and, irrespective of whether ~~or not~~ all
 10 parties join in prosecuting the claim, the proceeds of the claim shall be divided as
 11 follows:

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

12 **SECTION 159.** 102.29 (1) (b) 2. of the statutes is amended to read:

13 102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment
 14 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the
 15 uninsured employers fund or the work injury supplemental benefit fund shall be
 16 reimbursed for all payments made by the employer, insurance carrier, or department
 17 office, or ~~which~~ that the employer, insurance carrier, or department office may be
 18 obligated to make in the future, under this chapter, except that the employer,
 19 insurance carrier, or department office shall not be reimbursed for any payments
 20 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

21 **SECTION 160.** 102.29 (1) (c) of the statutes is amended to read:

22 102.29 (1) (c) If both the employee or the employee's personal representative
 23 or other person entitled to bring action, and the employer, compensation insurer, or

1 department office, join in the pressing of said claim and are represented by counsel,
2 the attorney fees allowed as a part of the costs of collection shall be, unless otherwise
3 agreed upon, divided between the attorneys for those parties as directed by the court
4 or by the department division.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

5 **SECTION 161.** 102.29 (1) (d) of the statutes is amended to read:

6 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the
7 settlement and the distribution of the proceeds of the settlement are approved by the
8 court before whom the action is pending or, if no action is pending, then by a court
9 of record or by the department division.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

10 **SECTION 162.** 102.29 (4) of the statutes is amended to read:

11 102.29 (4) If the employer and the 3rd party are insured by the same insurer,
12 or by the insurers who are under common control, the employer's insurer shall
13 promptly notify the parties in interest and the department office. If the employer has
14 assumed the liability of the 3rd party, it the employer shall give similar notice, in
15 default of which any settlement with an injured employee or beneficiary is void. This
16 subsection does not prevent the employer or compensation insurer from sharing in
17 the proceeds of any 3rd-party claim or action, ~~as set forth~~ as provided in sub. (1).

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154; 2011 a. 183; s. 2013 a. 165 s. 114.

18 **SECTION 163.** 102.30 (7) (a) of the statutes is amended to read:

19 102.30 (7) (a) The department office may order direct reimbursement out of the
20 proceeds payable under this chapter for payments made under a nonindustrial
21 insurance policy covering the same disability and expenses compensable under s.
22 102.42 when the claimant consents or when it is established that the payments under

1 the nonindustrial insurance policy were improper. No attorney fee is due with
2 respect to that reimbursement.

History: 1973 c. 150; 1975 c. 147 ss. 25, 54; 1975 c. 199; 1985 a. 83; 1987 a. 179.

3 SECTION 164. 102.31 (1) (b) of the statutes is amended to read:

4 102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be
5 construed to grant full coverage of all liability of the assured under this chapter
6 unless the ~~department~~ office specifically consents by written order to the issuance
7 of a contract providing divided insurance or partial insurance.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

8 SECTION 165. 102.31 (2) (a) of the statutes is amended to read:

9 102.31 (2) (a) No party to a contract of insurance may cancel the contract within
10 the contract period or terminate or ~~not renew~~ nonrenew the contract upon the
11 expiration date of the contract until a notice in writing is given to the other party
12 fixing the proposed date of cancellation or declaring that the party intends to
13 terminate or ~~does not intend to renew~~ nonrenew the policy contract upon expiration.
14 Except as provided in par. (b), when an insurance company ~~does not renew~~
15 nonrenews a policy contract upon expiration, the nonrenewal is not effective until 60
16 days after the insurance company has given written notice of the nonrenewal to the
17 insured employer and the ~~department~~ office. Cancellation or termination of a policy
18 contract by an insurance company for any reason other than nonrenewal is not
19 effective until 30 days after the insurance company has given written notice of the
20 cancellation or termination to the insured employer and the ~~department~~ office.
21 Notice to the ~~department~~ office may be given by personal service of the notice upon
22 the ~~department~~ office at its office in Madison or by sending the notice to the
23 department office in a medium approved by the department office. The department
24 office may provide by rule that the office notice of cancellation or termination be given

1 to the Wisconsin compensation rating bureau rather than to the department office
2 in a medium approved by the department office after consultation with the
3 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation
4 rating bureau receives such a notice of cancellation or termination it that bureau
5 shall immediately notify the department office of the notice of cancellation or
6 termination.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

7 **SECTION 166.** 102.31 (3) of the statutes is amended to read:

8 102.31 (3) The department office may examine from time to time the books and
9 records of any insurer insuring the liability or for compensation for of an employer
10 in this state. The department office may require an insurer to designate one mailing
11 address for use by the department office in sending correspondence to the insurer
12 and to respond to correspondence from the department office within 30 days after the
13 date of the correspondence. Any insurer that refuses or fails to answer
14 correspondence from the department office or to allow the department office to
15 examine its books and records is subject to enforcement proceedings under s. 601.64.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

16 **SECTION 167.** 102.31 (4) of the statutes is amended to read:

17 102.31 (4) If any insurer authorized to transact worker's compensation
18 insurance in this state fails to promptly pay claims for compensation for which it is
19 liable or fails to make reports to the department office as required by under s. 102.38,
20 the department office may recommend to the commissioner of insurance, with
21 detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The
22 commissioner shall furnish a copy of the recommendation to the insurer and shall
23 set a date for a hearing, at which both the insurer and the department office shall

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1 be afforded an opportunity to present evidence. If after the hearing the commissioner
2 finds that the insurer has failed to carry out its obligations under this chapter, the
3 commissioner shall institute enforcement proceedings under s. 601.64. If the
4 commissioner does not so find, the commissioner shall dismiss the complaint.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

5 **SECTION 168.** 102.31 (5) of the statutes is amended to read:

6 102.31 (5) If any employer whom the department office has exempted from
7 carrying the duty to carry compensation insurance arbitrarily or unreasonably
8 refuses employment to or discharges employees an employee because of a
9 nondisabling physical condition, the department office shall revoke the exemption
10 of that employer.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

11 **SECTION 169.** 102.31 (6) of the statutes is amended to read:

12 102.31 (6) The department office has standing to appear as a complainant and
13 present evidence in any administrative hearing or court proceeding instituted for an
14 alleged violation of s. 628.34 (7).

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

15 **SECTION 170.** 102.31 (7) of the statutes is amended to read:

16 102.31 (7) If the department office by one or more written orders specifically
17 consents to the issuance of one or more contracts covering only the liability incurred
18 on a construction project and if the construction project owner designates the
19 insurance carrier and pays for each such contract, the construction project owner
20 shall reimburse the department office for all costs incurred by the department office
21 in issuing the written orders and in ensuring minimum confusion and maximum
22 safety on the construction project. All moneys received under this subsection shall

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be deposited in the worker's compensation operations fund and credited to the appropriation account under s. ~~20.445 (1) (rb)~~ 20.145 (6) (rb).

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

3 SECTION 171. 102.31 (8) of the statutes is amended to read:

4 102.31 (8) The Wisconsin compensation rating bureau shall provide the
5 department office with any information that the department office may request
6 relating to worker's compensation insurance coverage, including the names of
7 employers insured and any insured employer's address, business status, type and
8 date of coverage, manual premium code, and policy information including policy
9 numbers, cancellations, terminations, endorsements, and reinstatement dates. The
10 department office may enter into contracts with the Wisconsin compensation rating
11 bureau to share the costs of data processing and other services. No information
12 obtained by the department office under this subsection may be made public by the
13 department office except as authorized by the Wisconsin compensation rating
14 bureau.

History: 1971 c. 260, 307; 1975 c. 39; 1975 c. 147 ss. 26, 54; 1975 c. 199, 371; 1977 c. 29, 195; 1979 c. 278; 1981 c. 92; 1983 a. 189 s. 329 (25); 1985 a. 29, 83; 1987 a. 179; 1989 a. 64, 332; 1993 a. 81, 112; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 206.

15 SECTION 172. 102.315 (4) of the statutes is amended to read:

16 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company
17 may insure its liability under sub. (2) by obtaining a master policy that has been
18 approved by the commissioner ~~of insurance~~ as provided in this subsection. The
19 commissioner ~~of insurance~~ may approve the issuance of a master policy if the insurer
20 proposing to issue the master policy submits a filing to the bureau showing that the
21 insurer has the technological capacity and operation capability to provide to the
22 bureau information, including unit statistical data, information concerning proof of
23 coverage and cancellation, termination, and nonrenewal of coverage, and any other

1 information that the bureau may require, at the client level and in a format required
2 by the bureau and the bureau submits the filing to the commissioner of insurance for
3 approval under s. 626.13. A master policy filing under this subsection shall also
4 establish basic manual rules governing the issuance of an insurance policy covering
5 the leased employees of a divided workforce that are consistent with sub. (6) and the
6 cancellation, termination, and nonrenewal of policies that are consistent with sub.
7 (10). On approval by the commissioner of insurance of a master policy filing, an
8 insurer may issue a master policy to an employee leasing company insuring the
9 liability of the employee leasing company under sub. (2).

History: 2007 a. 185.

10 **SECTION 173.** 102.315 (5) (b) (intro.) of the statutes is amended to read:

11 102.315 (5) (b) (intro.) Within 30 days after the effective date of an employee
12 leasing agreement with a small client that is covered under a master policy under
13 par. (a), the employee leasing company shall report to the department office all of the
14 following information:

History: 2007 a. 185.

15 **SECTION 174.** 102.315 (5) (c) of the statutes is amended to read:

16 102.315 (5) (c) Within 30 days after the effective date of coverage of a small
17 client under a master policy under par. (a), the insurer or, if authorized by the
18 insurer, the employee leasing company shall file proof of that coverage with the
19 department office. Coverage of a small client under a master policy becomes binding
20 when the insurer or employee leasing company files proof of that coverage under this
21 paragraph or provides notice of coverage to the small client, whichever occurs first.
22 Nothing in this paragraph requires an employee leasing company or an employee of

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an employee leasing company to be licensed as an insurance intermediary under ch. 628.

3 History: 2007 a. 185.

SECTION 175. 102.315 (6) (b) (intro.) of the statutes is amended to read:

4 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall
5 notify the department office of that intent on a form prescribed by the department
6 office that includes all of the following:

7 History: 2007 a. 185.

SECTION 176. 102.315 (6) (b) 1. of the statutes is amended to read:

8 102.315 (6) (b) 1. The names and mailing addresses of the client and the
9 employee leasing company, the effective date of the employee leasing agreement, a
10 description of the employees of the client who are not leased employees, and such
11 other information as the department office may require.

12 History: 2007 a. 185.

SECTION 177. 102.315 (6) (b) 3. of the statutes is amended to read:

13 102.315 (6) (b) 3. An agreement by the client to assume full responsibility to
14 immediately pay all compensation and other payments payable under this chapter
15 as may be required by the department office should a dispute arise between 2 or more
16 insurers as to liability under this chapter for an injury sustained while a divided
17 workforce plan is in effect, pending final resolution of that dispute. This subdivision
18 does not preclude a client from insuring that responsibility in an insurer authorized
19 to do business in this state.

20 History: 2007 a. 185.

SECTION 178. 102.315 (6) (d) of the statutes is amended to read:

21 102.315 (6) (d) When the department office receives a notification under par.
22 (b), the department office shall immediately provide a copy of the notification to the
23 bureau.

History: 2007 a. 185.

1 **SECTION 179.** 102.315 (6) (e) 1. of the statutes is amended to read:

2 102.315 **(6)** (e) 1. If a client intends to terminate a divided workforce plan, the
3 client shall notify the department office of that intent on a form prescribed by the
4 department office. Termination of a divided workforce plan by a client is not effective
5 until 10 days after notice of the termination is received by the department office.

6 History: 2007 a. 185.

6 **SECTION 180.** 102.315 (6) (e) 2. of the statutes is amended to read:

7 102.315 **(6)** (e) 2. If an insurer cancels, terminates, or ~~does not renew~~
8 nonrenews a worker's compensation insurance policy issued under a divided
9 workforce plan that covers in the voluntary market the employees of a client who are
10 not leased employees, the divided workforce plan is terminated on the effective date
11 of the cancellation, termination, or nonrenewal of the policy, unless the client
12 submits evidence under par. (c) that both the leased employees of the client and the
13 employees of the client who are not leased employees are covered under a mandatory
14 risk-sharing plan.

15 History: 2007 a. 185.

15 **SECTION 181.** 102.315 (6) (e) 3. of the statutes is amended to read:

16 102.315 **(6)** (e) 3. If an insurer cancels, terminates, or ~~does not renew~~
17 nonrenews a worker's compensation insurance policy issued under a divided
18 workforce plan that covers under the mandatory risk-sharing plan under s. 619.01
19 the employees of a client who are not leased employees, the divided workforce plan
20 is terminated on the effective date of the cancellation, termination, or nonrenewal
21 of the policy.

22 History: 2007 a. 185.

22 **SECTION 182.** 102.315 (9) (a) of the statutes is amended to read:

23 102.315 **(9)** (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
24 charge a premium for coverage under that policy that complies with the applicable

1 classifications, rules, rates, and rating plans filed with and approved by the
2 commissioner of insurance under s. 626.13.

3 History: 2007 a. 185.

SECTION 183. 102.315 (10) (a) 2. of the statutes is amended to read:

4 102.315 (10) (a) 2. The insureds under a policy described in subd. 1. may cancel
5 the policy during the policy period if both the employee leasing company and the
6 client agree to the cancellation, the cancellation is confirmed by the employee leasing
7 company promptly providing written confirmation of the cancellation to the client or
8 by the client agreeing to the cancellation in writing, and the insurer provides written
9 notice of the cancellation to the department office as required under s. 102.31 (2) (a).

10 History: 2007 a. 185.

SECTION 184. 102.315 (10) (a) 3. of the statutes is amended to read:

11 102.315 (10) (a) 3. Subject to subd. 4., an insurer may cancel, terminate, or
12 nonrenew a policy described in subd. 1. by providing written notice of the
13 cancellation, termination, or nonrenewal to the insured employee leasing company
14 and to the department office as required under s. 102.31 (2) (a) and by providing that
15 notice to the insured client. The insurer is not required to state in the notice to the
16 insured client the facts on which the decision to cancel, terminate, or nonrenew the
17 policy is based. Except as provided in s. 102.31 (2) (b), cancellation or termination
18 of a policy under this subdivision for any reason other than nonrenewal is not
19 effective until 30 days after the insurer has provided written notice of the
20 cancellation or termination to the insured employee leasing company, the insured
21 client, and the department office. Except as provided in s. 102.31 (2) (b), nonrenewal
22 of a policy under this subdivision is not effective until 60 days after the insurer has

1 provided written notice of the cancellation or termination to the insured employee
2 leasing company, the insured client, and the ~~department~~ office.

3 History: 2007 a. 185.

SECTION 185. 102.315 (10) (a) 4. of the statutes is amended to read:

4 102.315 (10) (a) 4. If an employee leasing company terminates an employee
5 leasing agreement with a client in its entirety, an insurer may cancel or terminate
6 a policy described in subd. 1. covering that client during the policy period by
7 providing written notice of the cancellation or termination to the insured employee
8 leasing company and the ~~department~~ office as required under s. 102.31 (2) (a) and
9 by providing that notice to the insured client. The insurer shall state in the notice
10 to the insured client that the policy is being cancelled or terminated due to the
11 termination of the employee leasing agreement. Except as provided in s. 102.31 (2)
12 (b), cancellation or termination of a policy under this subdivision is not effective until
13 30 days after the insurer has provided written notice of the cancellation or
14 termination to the insured employee leasing company, the insured client, and the
15 ~~department~~ office.

16 History: 2007 a. 185.

SECTION 186. 102.315 (10) (b) 2. of the statutes is amended to read:

17 102.315 (10) (b) 2. The insureds under a policy described in subd. 1. may cancel
18 the policy during the policy period if both the employee leasing company and the
19 client agree to the cancellation, the cancellation is confirmed by the employee leasing
20 company promptly providing written confirmation of the cancellation to the client or
21 by the client agreeing to the cancellation in writing, and the insurer provides written
22 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

23 History: 2007 a. 185.

SECTION 187. 102.315 (10) (b) 3. of the statutes is amended to read:

1 102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy
2 described in subd. 1., including cancellation or termination of a policy providing
3 continued coverage under subd. 4., by providing written notice of the cancellation,
4 termination, or nonrenewal to the insured employee leasing company and to the
5 department office as required under s. 102.31 (2) (a) and by providing that notice to
6 the insured client. Except as provided in s. 102.31 (2) (b), cancellation or termination
7 of a policy under this subdivision for any reason other than nonrenewal is not
8 effective until 30 days after the insurer has provided written notice of the
9 cancellation or termination to the insured employee leasing company, the insured
10 client, and the department office. Except as provided in s. 102.31 (2) (b), nonrenewal
11 of a policy under this subdivision is not effective until 60 days after the insurer has
12 provided written notice of the cancellation or termination to the insured employee
13 leasing company, the insured client, and the department office.

History: 2007 a. 185.

14 **SECTION 188.** 102.32 (1m) (intro.) of the statutes is amended to read:

15 102.32 (1m) (intro.) In any case in which compensation payments for an injury
16 have extended or will extend over 6 months or more after the date of the injury or in
17 any case in which death benefits are payable, any party in interest may, in the
18 discretion of the department office, be discharged from, or compelled to guarantee,
19 future compensation payments by doing any of the following:

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

20 **SECTION 189.** 102.32 (1m) (a) of the statutes is amended to read:

21 102.32 (1m) (a) Depositing the present value of the total unpaid compensation
22 upon a 5 percent interest discount basis with a credit union, savings bank, savings
23 and loan association, bank, or trust company designated by the department office.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

24 **SECTION 190.** 102.32 (1m) (c) of the statutes is amended to read:

1 102.32 (1m) (c) Making payment in gross upon a 5 percent interest discount
2 basis to be approved by the ~~department~~ office.

3 **History:** 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

3 **SECTION 191.** 102.32 (1m) (d) of the statutes is amended to read:

4 102.32 (1m) (d) In cases in which the time for making payments or the amounts
5 of payments cannot be definitely determined, furnishing a bond, or other security,
6 satisfactory to the ~~department~~ office for the payment of compensation as may be due
7 or become due. The acceptance of the bond, or other security, and the form and
8 sufficiency of the bond or other security, shall be subject to the approval of the
9 ~~department~~ office. If the employer or insurer is unable or fails to immediately
10 procure the bond, ~~then,~~ the employer or insurer, in lieu of procuring the bond, shall
11 ~~deposit shall be made~~ with a credit union, savings bank, savings and loan
12 association, bank, or trust company designated by the ~~department,~~ of office the
13 maximum amount that may reasonably become payable in ~~these~~ those cases, to be
14 determined by the ~~department~~ office at amounts consistent with the extent of the
15 injuries and the law. The bonds and deposits ~~are to~~ may be reduced only to satisfy
16 claims and may be withdrawn only after the claims which they are to guarantee are
17 fully satisfied or liquidated under par. (a), (b), or (c).

18 **History:** 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

18 **SECTION 192.** 102.32 (5) of the statutes is amended to read:

19 102.32 (5) Any insured employer may, ~~within~~ in the discretion of the
20 ~~department~~ office, compel the insurer to discharge, or to guarantee payment of, the
21 employer's liabilities in any case described in sub. (1m) and ~~thereby~~ by that discharge
22 or guarantee release the employer from ~~compensation liability~~ for compensation in
23 that case, ~~but~~ except that if for any reason a bond furnished or deposit made under
24 sub. (1m) (d) does not fully protect the beneficiary of the bond or deposit, the

1 compensation insurer or insured employer, as the case may be, shall still be liable
2 to ~~the~~ that beneficiary of ~~the bond or deposit~~.

3 History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

SECTION 193. 102.32 (6) (b) of the statutes is amended to read:

4 102.32 (6) (b) Subject to par. (d), if the employer or the employer's insurer
5 concedes liability for an injury that results in permanent disability and if the extent
6 of the permanent disability can be determined based on a minimum permanent
7 disability rating promulgated by the ~~department~~ office by rule, compensation for
8 permanent disability shall begin within 30 days after the end of the employee's
9 healing period or the date on which compensation for temporary disability ends due
10 to the employee's return to work, whichever is earlier.

11 History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

SECTION 194. 102.32 (6) (d) of the statutes is amended to read:

12 102.32 (6) (d) The ~~department~~ office shall promulgate rules for determining
13 when compensation for permanent disability shall begin in cases in which the
14 employer or the employer's insurer concedes liability, but disputes the extent of
15 permanent disability.

16 History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

SECTION 195. 102.32 (6m) of the statutes is amended to read:

17 102.32 (6m) The ~~department~~ office may direct an advance on a payment of
18 unaccrued compensation for permanent disability or death benefits if the
19 ~~department~~ office determines that the advance payment is in the best interest of the
20 injured employee or the employee's dependents. In directing the advance, the
21 ~~department~~ office shall give the employer or the employer's insurer an interest credit
22 against its liability. The credit shall be computed at 5 percent. An injured employee
23 or dependent may receive no more than 3 advance payments per calendar year.

History: 1977 c. 195; 1979 c. 278; 1983 a. 98, 368, 538; 1991 a. 221; 1993 a. 492; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

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