

1 SECTION 196. 102.33 (title) of the statutes is amended to read:

2 102.33 (title) ~~Department forms~~ Forms and records; public access.

3 History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180.

3 SECTION 197. 102.33 (1) of the statutes is amended to read:

4 102.33 (1) The ~~department office and the division~~ shall print and furnish free
5 to any employer or employee any blank forms that ~~the department considers~~ are
6 necessary to facilitate efficient administration of this chapter. ~~The department office~~
7 and the division shall keep any record books or records that ~~the department~~
8 considers are necessary for the proper and efficient administration of this chapter.

9 History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180.

9 SECTION 198. 102.33 (2) (a) of the statutes is amended to read:

10 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~
11 department, and the records of the commission, and the records of the division
12 related to the administration of this chapter are subject to inspection and copying
13 under s. 19.35 (1). *by the office,*

14 History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180.

14 SECTION 199. 102.33 (2) (b) (intro.) of the statutes is amended to read:

15 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record
16 maintained ~~by the department or, by the commission, or by the division~~ that reveals
17 the identity of an employee who claims worker's compensation benefits, the nature
18 of the employee's claimed injury, the employee's past or present medical condition,
19 the extent of the employee's disability, or the amount, type, or duration of benefits
20 paid to the employee and a record maintained by the ~~department office~~ that reveals
21 any financial information provided to the ~~department office~~ by a self-insured
22 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and
23 not open to public inspection or copying under s. 19.35 (1). ~~The department or,~~
24 commission, or division may deny a request made under s. 19.35 (1) or, subject to s.

the office, or the

1 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney of record in
2 a civil or criminal action or special proceeding to inspect and copy a record that is
3 confidential under this paragraph, unless one any of the following applies:

4 **SECTION 200.** 102.33 (2) (b) 1. of the statutes is amended to read:

5 102.33 (2) (b) 1. The requester is the employee who is the subject of the record
6 or an attorney or authorized agent of that employee. An attorney or authorized agent
7 of an employee who is the subject of a record shall provide a written authorization
8 for inspection and copying from the employee if requested by the ~~department~~ or the
9 commission, the office, or the division.

10 **SECTION 201.** 102.33 (2) (b) 2. of the statutes is amended to read:

11 102.33 (2) (b) 2. The record that is requested contains confidential information
12 concerning a worker's compensation claim and the requester is an insurance carrier
13 or employer that is a party to any worker's compensation claim involving the same
14 employee or an attorney or authorized agent of that insurance carrier or employer,
15 except that the ~~department~~ or the ~~commission,~~ the office, or the division is not
16 required to do a random search of its records and may require the requester to
17 provide the approximate date of the injury and any other relevant information that
18 would assist the ~~department~~ or the ~~commission,~~ the office, or the division in finding
19 the record requested. An attorney or authorized agent of an insurance carrier or
20 employer that is a party to an employee's worker's compensation claim shall provide
21 a written authorization for inspection and copying from the insurance carrier or
22 employer if requested by the ~~department~~ or the ~~commission,~~ the office, or the
23 division.

24 **SECTION 202.** 102.33 (2) (b) 3. of the statutes is amended to read:

1 102.33 (2) (b) 3. The record that is requested contains financial information
2 provided by a self-insured employer or by an applicant for exemption under s. 102.28
3 (2) (b) and the requester is the self-insured employer or applicant for exemption or
4 an attorney or authorized agent of the self-insured employer or applicant for
5 exemption. An attorney or authorized agent of the self-insured employer or of the
6 applicant for exemption shall provide a written authorization for inspection and
7 copying from the self-insured employer or applicant for exemption if requested by
8 the department office.

9 **SECTION 203.** 102.33 (2) (b) 4. of the statutes is amended to read:

10 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
11 ~~department or the commission,~~ the office, or the division to release the record.

12 **SECTION 204.** 102.33 (2) (c) of the statutes is amended to read:

13 102.33 (2) (c) A record maintained by the ~~department or the commission,~~ the
14 office, or the division that contains employer or insurer information obtained from
15 the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is
16 confidential and not open to public inspection or copying under s. 19.35 (1) unless the
17 Wisconsin compensation rating bureau authorizes public inspection or copying of
18 that information.

19 **History:** 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180.

19 **SECTION 205.** 102.33 (2) (d) 2. of the statutes is amended to read:

20 102.33 (2) (d) 2. The ~~department or the commission,~~ the office, or the division
21 may release information that is confidential under par. (b) to a government unit, an
22 institution of higher education, or a nonprofit research organization for purposes of
23 research and may release information that is confidential under par. (c) to those
24 persons for that purpose if the Wisconsin compensation rating bureau authorizes

the office, or

1 that release. A government unit, institution of higher education, or nonprofit
 2 research organization may not permit inspection or disclosure of any information
 3 released to it under this subdivision that is confidential under par. (b) unless the
 4 ~~department or commission,~~ the office, or the division authorizes that inspection or
 5 disclosure and may not permit inspection or disclosure of any information released
 6 to it under this subdivision that is confidential under par. (c) unless the ~~department~~
 7 ~~or, the~~ commission, or the division, and the Wisconsin compensation rating bureau,
 8 authorize the inspection or disclosure. A government unit, institution of higher
 9 education, or nonprofit research organization that obtains any confidential
 10 information under this subdivision for purposes of research shall provide the results
 11 of that research free of charge to the person that released or authorized the release
 12 of that information.

History: 1975 c. 147 s. 54; 1989 a. 64; 1991 a. 85; 1995 a. 117; 1997 a. 191, 237; 2001 a. 37, 107; 2005 a. 172; 2009 a. 180.

13 **SECTION 206.** 102.35 (1) of the statutes is amended to read:

14 102.35 (1) Every employer and every insurance company that fails to keep the
 15 records or to make the reports required by this chapter or that knowingly falsifies
 16 such those records or makes false reports shall pay a work injury supplemental
 17 benefit surcharge to the state of not less than \$10 nor more than \$100 for each
 18 offense. The ~~department~~ office may waive or reduce a surcharge imposed under this
 19 subsection if the employer or insurance company that violated this subsection
 20 requests a waiver or reduction of the surcharge within 45 days after the date on
 21 which notice of the surcharge is mailed to the employer or insurance company and
 22 shows that the violation was due to mistake or an absence of information. A
 23 surcharge imposed under this subsection is due within 30 days after the date on
 24 which notice of the surcharge is mailed to the employer or insurance company.

1 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent
2 per month. All surcharges and interest payments received under this subsection
3 shall be deposited in the fund established under s. 102.65.

History: 1975 c. 147; 1977 c. 29, 195; 2003 a. 144; 2005 a. 172; 2011 a. 183.

4 **SECTION 207.** 102.35 (2) of the statutes is amended to read:

5 102.35 (2) Any employer, or duly authorized agent thereof ~~thereof~~ of an employer, who,
6 without reasonable cause, refuses to rehire an employee injured in the course of
7 employment, or who, because of a claim or attempt to claim compensation benefits
8 from ~~such~~ that employer, discriminates or threatens to discriminate against an
9 employee as to the employee's employment, shall forfeit to the state not less than \$50
10 nor more than \$500 for each offense. No action under this subsection may be
11 commenced except upon request of the ~~department~~ office.

History: 1975 c. 147; 1977 c. 29, 195; 2003 a. 144; 2005 a. 172; 2011 a. 183.

12 **SECTION 208.** 102.35 (3) of the statutes is amended to read:

13 102.35 (3) Any employer who without reasonable cause refuses to rehire an
14 employee who is injured in the course of employment, ~~where~~ when suitable
15 employment is available within the employee's physical and mental limitations,
16 upon order of the ~~department~~ division, has exclusive
17 liability to pay to the employee, in addition to other benefits, the wages lost during
18 the period of ~~such~~ that refusal, not exceeding one year's wages. In determining the
19 availability of suitable employment, the continuance in business of the employer
20 shall be considered and any written rules promulgated by the employer with respect
21 to seniority or the provisions of any collective bargaining agreement with respect to
22 seniority shall govern.

History: 1975 c. 147; 1977 c. 29, 195; 2003 a. 144; 2005 a. 172; 2011 a. 183.

23 **SECTION 209.** 102.37 of the statutes is amended to read:

1 **102.37 Employers' records.** Every employer of 3 or more persons and every
2 employer who is subject to this chapter shall keep a record of all accidents causing
3 death or disability of any employee while performing services growing out of and
4 incidental to the employment. ~~This~~ That record shall give the name, address, age,
5 and wages of the deceased or injured employee, the time and causes of the accident,
6 the nature and extent of the injury, and any other information the ~~department~~ office
7 may require by rule or general order. Reports based upon ~~this~~ that record shall be
8 furnished to the ~~department~~ office at such times and in such manner as the
9 ~~department~~ office may require by rule or general order, in a format approved by the
10 ~~department~~ office.

History: 1975 c. 147 s. 54; 1985 a. 83; 2001 a. 37.

11 **SECTION 210.** 102.38 of the statutes is amended to read:

12 **102.38 Records and reports of payments.** Every insurance company that
13 transacts the business of compensation insurance, and every employer who is subject
14 to this chapter, but whose liability is not insured, shall keep a record of all payments
15 made under this chapter and of the time and manner of making the payments and
16 shall furnish reports based upon these records and any other information to the
17 ~~department~~ office as the ~~department~~ office may require by rule or general order, in
18 a format approved by the ~~department~~ office.

History: 1975 c. 147 s. 54; 1975 c. 199; 1979 c. 89; 1985 a. 83; 2001 a. 37.

19 **SECTION 211.** 102.39 of the statutes is amended to read:

20 **102.39 Rules and general orders; application of statutes.** The provisions
21 of s. 103.005 relating to the adoption, publication, modification, and court review of
22 rules or general orders of the ~~department~~ shall of workforce development apply to all
23 rules promulgated or general orders adopted by the office under this chapter in the

1 same manner as those provisions apply to rules promulgated or general orders
2 adopted by the department of workforce development.

3 History: 1995 a. 27; 2001 a. 37.

3 **SECTION 212.** 102.40 of the statutes is amended to read:

4 **102.40 Reports not evidence in actions.** Reports furnished to the
5 department pursuant to office under ss. 102.37 and 102.38 shall not be are not
6 admissible as evidence in any action or proceeding arising out of the death or accident
7 reported.

8 **SECTION 213.** 102.42 (1m) of the statutes is amended to read:

9 **102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT.** If an employee who has
10 sustained a compensable injury undertakes in good faith invasive treatment that is
11 generally medically acceptable, but that is unnecessary, the employer shall pay
12 disability indemnity for all disability incurred as a result of that treatment. An
13 employer is not liable for disability indemnity for any disability incurred as a result
14 of any unnecessary treatment undertaken in good faith that is noninvasive or not
15 medically acceptable. This subsection applies to all findings that an employee has
16 sustained a compensable injury, whether the finding results from a hearing, the
17 default of a party, or a compromise or stipulation confirmed by the department
18 division.

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

19 **SECTION 214.** 102.42 (6) of the statutes is amended to read:

20 **102.42 (6) TREATMENT REJECTED BY EMPLOYEE.** Unless the employee shall have
21 has elected Christian Science treatment in lieu of medical, surgical, dental, or
22 hospital treatment, no compensation shall be payable for the death or disability of
23 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,
24 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any

1 competent and reasonable medical, surgical, or dental treatment or, in the case of
2 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
3 treatment when found by the department division to be necessary. The right to
4 compensation accruing during a period of refusal or neglect to submit to or follow
5 hospital or medical treatment when found by the department division to be
6 necessary in the case of tuberculosis shall be barred, irrespective of whether
7 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

8 **SECTION 215.** 102.42 (8) of the statutes is amended to read:

9 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award
10 ~~is made by the department~~ in on behalf of a state employee, the ~~department of~~
11 ~~workforce development~~ division shall file duplicate copies of the award with the
12 subunit of the the department of administration responsible for risk management.
13 Upon receipt of the copies of the award, the department of administration shall
14 promptly issue a voucher in payment of the award from the proper appropriation
15 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and
16 the award to the officer, department or agency by whom the affected employee is
17 employed.

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

18 **SECTION 216.** 102.42 (9) (a) of the statutes is amended to read:

19 102.42 (9) (a) One of the primary purposes of this chapter is restoration of an
20 injured employee to gainful employment. To this end, the department office shall
21 employ a specialist in physical, medical, and vocational rehabilitation.

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

22 **SECTION 217.** 102.42 (9) (b) of the statutes is amended to read:

1 102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the
2 problems of rehabilitation, both physical and vocational and shall refer suitable
3 cases to the ~~department~~ office for vocational evaluation and training. The specialist
4 shall investigate and maintain a directory of such rehabilitation facilities, private
5 and public, as are capable of rendering competent rehabilitation service to seriously
6 injured employees.

History: 1971 c. 61; 1973 c. 150, 282; 1975 c. 147; 1977 c. 195 ss. 24 to 28, 45; 1977 c. 273; 1979 c. 278; 1981 c. 20; 1987 a. 179; 1989 a. 64; 1995 a. 27 ss. 3743m, 3744, 9130 (4); 1997 a. 3, 38; 1999 a. 9; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185.

7 **SECTION 218.** 102.425 (4m) (a) of the statutes is amended to read:

8 102.425 (4m) (a) The ~~department~~ division has jurisdiction under this
9 subsection and s. 102.16 (1m) (c) and s. 102.17 to resolve a dispute between a
10 pharmacist or practitioner and an employer or insurer over the reasonableness of the
11 amount charged for a prescription drug dispensed under sub. (2) for outpatient use
12 by an injured employee who claims benefits under this chapter.

History: 2005 a. 172; 2007 a. 185; 2009 a. 206.

13 **SECTION 219.** 102.425 (4m) (b) of the statutes is amended to read:

14 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of
15 the amount charged for a prescription drug dispensed under sub. (2) for outpatient
16 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16
17 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed
18 bill for the prescription drug, reasonable written notice to the pharmacist or
19 practitioner that the charge is being disputed. After receiving reasonable written
20 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)
21 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner
22 may not collect the disputed charge from, or bring an action for collection of the
23 disputed charge against, the employee who received the prescription drug.

History: 2005 a. 172; 2007 a. 185; 2009 a. 206.

1 **SECTION 220.** 102.425 (4m) (c) of the statutes is amended to read:

2 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.
3 (b) that the reasonableness of the amount charged for a prescription drug dispensed
4 under sub. (2) for outpatient use by an injured employee is in dispute shall file the
5 dispute with the department division within 6 months after receiving that notice.

History: 2005 a. 172; 2007 a. 185; 2009 a. 206.

6 **SECTION 221.** 102.425 (4m) (d) of the statutes is amended to read:

7 102.425 (4m) (d) The department division shall deny payment of a prescription
8 drug charge that the department division determines under this subsection to be
9 unreasonable. A pharmacist or practitioner and an employer or insurer that are
10 parties to a dispute under this subsection over the reasonableness of a prescription
11 drug charge are bound by the department's division's determination under this
12 subsection on the reasonableness of the disputed charge, unless that determination
13 is set aside on judicial review as provided in par. (e).

History: 2005 a. 172; 2007 a. 185; 2009 a. 206.

14 **SECTION 222.** 102.425 (4m) (e) of the statutes is amended to read:

15 102.425 (4m) (e) Within 30 days after a determination under this subsection,
16 the department division may set aside, reverse, or modify the determination for any
17 reason that the department division considers sufficient. Within 60 days after a
18 determination under this subsection, the department division may set aside,
19 reverse, or modify the determination on grounds of mistake. A pharmacist,
20 practitioner, employer, or insurer that is aggrieved by a determination of the
21 department division under this subsection may seek judicial review of that
22 determination in the same manner that compensation claims are reviewed under s.
23 102.23.

24 **SECTION 223.** 102.43 (5) (b) of the statutes is amended to read:

1 102.43 (5) (b) Except as provided in s. 102.61 (1g), temporary disability shall
2 also include such period as the employee may be receiving instruction under s. 102.61
3 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61
4 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80
5 weeks. ~~Such~~ That 80-week limitation does not apply to temporary disability benefits
6 under this section, the cost of tuition, fees, books, travel, or maintenance under s.
7 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training
8 under s. 102.61 (1m) if the department office determines that additional training is
9 warranted. The necessity for additional training as authorized by the department
10 office for any employee shall be subject to periodic review and reevaluation.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147; 1977 c. 195; 1979 c. 278; 1983 a. 98; 1985 a. 83; 1987 a. 179; 1993 a. 370, 492; 1995 a. 225, 413; 2001 a. 37; 2005 a. 172; 2009 a. 206; 2011 a. 183.

11 **SECTION 224.** 102.44 (1) (ag) of the statutes is amended to read:

12 102.44 (1) (ag) Notwithstanding any other provision of this chapter, every an
13 employee who is receiving compensation under this chapter for permanent total
14 disability or continuous temporary total disability more than 24 months after the
15 date of injury resulting from an injury that occurred prior to January 1, 2001, shall
16 receive supplemental benefits that shall be payable in the first instance by the
17 employer or the employer's insurance carrier, or in the case of benefits payable to an
18 employee under s. 102.66, shall be paid by the department office out of the fund
19 created under s. 102.65. Those supplemental benefits shall be paid only for weeks
20 of total disability occurring after January 1, 2003, and shall continue during the
21 period of such total disability subsequent to that date.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257.

22 **SECTION 225.** 102.44 (1) (c) of the statutes is amended to read:

1 102.44 (1) (c) Subject to any certificate filed under s. 102.65 (4), an employer
2 or insurance carrier paying the supplemental benefits required under this
3 subsection shall be entitled to reimbursement for each such case from the fund
4 established by s. 102.65, commencing one year after the date of the first payment of
5 those benefits and annually thereafter while those payments continue. To receive
6 reimbursement under this paragraph, an employer or insurance carrier must file a
7 claim for that reimbursement with the ~~department~~ office by no later than 12 months
8 after the end of the year in which the supplemental benefits were paid and the claim
9 must be approved by the ~~department~~ office.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257.

10 **SECTION 226.** 102.44 (2) of the statutes is amended to read:

11 102.44 (2) In case of permanent total disability, aggregate indemnity shall be
12 weekly indemnity for the period that the employee may live. Total impairment for
13 industrial use of both eyes, ~~or~~ the loss of both arms at or near the shoulder, ~~or~~ the loss
14 of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at
15 the hip, constitutes permanent total disability. This enumeration is not exclusive,
16 but in other cases the ~~department~~ division shall find the facts.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257.

17 **SECTION 227.** 102.44 (5) (d) of the statutes is amended to read:

18 102.44 (5) (d) The employer or insurance carrier making such a reduction
19 under this subsection shall report to the ~~department~~ office the reduction and, as
20 requested by the ~~department~~ office, furnish to the ~~department~~ office satisfactory
21 proof of the basis for the reduction.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257.

22 **SECTION 228.** 102.44 (6) (b) of the statutes is amended to read:

1 102.44 (6) (b) If, during the period set forth in s. 102.17 (4) the employment
2 relationship is terminated by the employer at the time of the injury, or by the
3 employee because his or her physical or mental limitations prevent his or her
4 continuing in such employment, or if during such ~~that~~ that period a wage loss of ~~15%~~ 15
5 percent or more occurs, the ~~department~~ division may reopen any award and make
6 a redetermination taking into account loss of earning capacity.

History: 1971 c. 148; 1973 c. 150; 1975 c. 147 ss. 33, 54, 57; 1975 c. 199; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1991 a. 85; 1995 a. 117; 2001 a. 37; 2003 a. 144; 2005 a. 172; 2007 a. 185; 2009 a. 177, 206; 2011 a. 183, 257.

7 **SECTION 229.** 102.45 of the statutes is amended to read:

8 **102.45 Benefits payable to minors; how paid.** ~~Compensation and death~~
9 ~~benefit~~ In the discretion of the office, compensation or death benefits payable to an
10 employee or dependent who was a minor when the ~~employee's or dependent's~~ right
11 of the employee or dependent to compensation or death benefits began to accrue, may,
12 ~~in the discretion of the department,~~ be ordered paid to a bank, trust company, trustee,
13 parent, or guardian, for the use of such ~~the~~ the employee or dependent as may be found
14 best calculated to conserve the ~~employee's or dependent's~~ interests. ~~Such of the~~
15 employee or dependent. The employee or dependent shall be entitled to receive
16 payments, in the aggregate, at a rate that is not less than ~~that~~ the rate applicable
17 to payments of primary compensation for total disability or death benefit as accruing
18 from the ~~employee's or dependent's~~ 18th birthday of the employee or dependent.

History: 1973 c. 150; 1993 a. 492.

19 **SECTION 230.** 102.475 (1) of the statutes is amended to read:

20 102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement
21 officer, correctional officer, fire fighter, rescue squad member, diving team member,
22 national guard member, or state defense force member on state active duty as
23 described in s. 102.07 (9) or if a deceased person is an employee or volunteer
24 performing emergency management activities under ch. 323 during a state of

1 emergency or a circumstance described in s. 323.12 (2) (c), who sustained an
 2 accidental injury while performing services growing out of and incidental to that
 3 employment or volunteer activity so that benefits are payable under s. 102.46 or
 4 102.47 (1), the department office shall voucher and pay from the appropriation under
 5 s. ~~20.445 (1)(aa)~~ 20.145 (6) ^{plan} (aa) a sum equal to ~~75%~~ 75 percent of the primary death
 6 benefit as of the date of death, but not less than \$50,000 to the persons wholly
 7 dependent upon the deceased. For purposes of this subsection, dependency shall be
 8 determined under ss. 102.49 and 102.51.

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14; 2009 a. 28, 42.

9 **SECTION 231.** 102.475 (1) of the statutes is amended to read:

10 ~~102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement~~
 11 ~~officer, correctional officer, fire fighter, rescue squad member, diving team member,~~
 12 ~~national guard member, or state defense force member on state active duty, as~~
 13 ~~described in s. 102.07 (9), or if a deceased person is an employee or volunteer~~
 14 ~~performing emergency management activities under ch. 323 during a state of~~
 15 ~~emergency or a circumstance described in s. 323.12 (2) (c), who sustained an~~
 16 ~~accidental injury while performing services growing out of and incidental to that~~
 17 ~~employment or volunteer activity so that benefits are payable under s. 102.46 or~~
 18 ~~102.47 (1), the department office shall voucher and pay from the appropriation under~~
 19 ~~s. ~~20.445 (1)(aa)~~ 20.145 (6) (aa) a sum equal to ~~75%~~ 75 percent of the primary death benefit as of~~
 20 ~~the date of death, but not less than \$50,000, to the persons wholly dependent upon~~
 21 ~~the deceased. For purposes of this subsection, dependency shall be determined~~
 22 ~~under ss. 102.49 and 102.51.~~

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14; 2009 a. 28, 42.

23 **SECTION 232.** 102.475 (6) of the statutes is amended to read:

1 102.475 (6) PROOF. In administering this section the ~~department~~ [✓] office [✓] may
2 require reasonable proof of birth, marriage, domestic partnership under ch. 770,
3 relationship, or dependency.

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14; 2009 a. 28, 42.

4 **SECTION 233.** 102.48 (1) of the statutes is amended to read:

5 102.48 (1) An unestranged surviving parent or parents to whose support the
6 deceased has contributed less than \$500 in the 52 weeks next preceding the injury
7 causing death shall receive a death benefit of \$6,500. If the parents are not living
8 together, the ~~department~~ [✓] office [✓] shall divide this sum in such proportion as it deems
9 the office considers [✓] to be just, considering their ages and other facts bearing on
10 dependency.

History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492.

11 **SECTION 234.** 102.48 (2) of the statutes is amended to read:

12 102.48 (2) In all other cases the death benefit shall be such sum as the
13 ~~department shall determine~~ [✓] office determines [✓] to represent fairly and justly the aid
14 to support which the dependent might reasonably have anticipated from the
15 deceased employee but for the injury. To establish anticipation of support and
16 dependency, it shall not be essential that the deceased employee made any
17 contribution to support. The aggregate benefits in ~~such~~ that case shall not exceed
18 twice the average annual earnings of the deceased; or 4 times the contributions of the
19 deceased to the support of ~~such~~ his or her dependents during the year immediately
20 preceding the deceased employee's death, whichever amount is the greater. In no
21 event shall the aggregate benefits in ~~such~~ that case exceed the amount ~~which~~ that
22 would accrue to a person who is solely and wholly dependent. ~~Where~~ When there is
23 more than one partial dependent the weekly benefit shall be apportioned according
24 to their relative dependency. The term "support" as used in ss. 102.42 to 102.63 shall

1 include contributions to the capital fund of the dependents, for their necessary
2 comfort.

3 History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492.

SECTION 235. 102.48 (3) of the statutes is amended to read:

4 102.48 (3) ~~A~~ Except as otherwise provided, a death benefit, other than burial
5 expenses, ~~except as otherwise provided~~, shall be paid in weekly installments
6 corresponding in amount to two-thirds of the weekly earnings of the employee, until
7 otherwise ordered by the department office.

8 History: 1975 c. 147; 1979 c. 278; 1989 a. 64; 1993 a. 492.

SECTION 236. 102.49 (3) of the statutes is amended to read:

9 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
10 wholly dependent and also a child by a former marriage, domestic partnership under
11 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same
12 in amount as if the child were the child of the surviving spouse or partner, and the
13 entire benefit shall be apportioned to the dependents in the amounts that the
14 department office determines to be just, considering the ages of the dependents and
15 other factors bearing on dependency. The benefit awarded to the surviving spouse
16 or partner shall not exceed 4 times the average annual earnings of the deceased
17 employee.

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172; 2009 a. 28; 2011 a. 183.

18 **SECTION 237.** 102.49 (5) (d) of the statutes is amended to read:

19 102.49 (5) (d) The payment into the state treasury shall be made in all such
20 cases regardless of whether the dependents or personal representatives of the
21 deceased employee commence action against a 3rd party under s. 102.29. If the
22 payment is not made within 20 days after the department makes request therefor

1 office requests the payment to be made, any sum payable shall bear interest at the
2 rate of ~~7%~~ 7 percent per year.

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172; 2009 a. 28; 2011 a. 183.

3 **SECTION 238.** 102.49 (6) of the statutes is amended to read:

4 102.49 (6) The department office may award the additional benefits payable
5 under this section to the surviving parent of the child, to the child's guardian, or to
6 such other person, bank, or trust company for the child's use as may be found best
7 calculated to conserve the ~~interest~~ interests of the child. ~~In the case of death of a child~~
8 If the child dies while benefits are still payable, there shall be paid the reasonable
9 expense for burial, not exceeding \$1,500.

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172; 2009 a. 28; 2011 a. 183.

10 **SECTION 239.** 102.51 (3) of the statutes is amended to read:

11 102.51 (3) DIVISION AMONG DEPENDENTS. If there is more than one person wholly
12 or partially dependent on a deceased employee, the death benefit shall be divided
13 between such those dependents in such proportion as the department ~~shall~~
14 ~~determine~~ office determines to be just, considering their ages and other facts bearing
15 on such their dependency.

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28.

16 **SECTION 240.** 102.51 (4) of the statutes is amended to read:

17 102.51 (4) DEPENDENCY AS OF THE DATE OF DEATH. Questions as to who is a
18 dependent and the extent of his or her dependency shall be determined as of the date
19 of the death of the employee, and the dependent's right to any death benefit becomes
20 fixed at that time, regardless of any subsequent change in conditions. The death
21 benefit shall be directly recoverable by and payable to the dependents entitled
22 thereto to the death benefit or their legal guardians or trustees. In case of the death
23 of a dependent whose right to a death benefit has ~~thus~~ become fixed, so much of the

1 benefit as is then unpaid is payable to the dependent's personal representatives in
 2 gross, unless the department office determines that the unpaid benefit shall be
 3 reassigned, under sub. (6), and paid to any other dependent who is physically or
 4 mentally incapacitated or a minor. ~~A posthumous child is for the purpose~~ For
 5 purposes of this subsection, a child of the employee who is born after the death of the
 6 employee is considered to be a dependent as of the date of death.

7 **History:** 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28.

7 **SECTION 241.** 102.51 (6) of the statutes is amended to read:

8 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
 9 child may be awarded to either parent in the discretion of the department office.
 10 Notwithstanding sub. (1), the department office may reassign the death benefit, in
 11 accordance with their respective needs for the death benefit as between a surviving
 12 spouse or a domestic partner under ch. 770 and any children designated specified in
 13 sub. (1) and s. 102.49 in accordance with their respective needs for the death benefit.

14 **History:** 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162; 2009 a. 28.

14 **SECTION 242.** 102.55 (3) of the statutes is amended to read:

15 102.55 (3) For all other injuries to the members of the body or its faculties
 16 ~~which that~~ are specified in this the schedule under s. 102.52 resulting in permanent
 17 disability, though the member ~~be~~ is not actually severed or the faculty is not totally
 18 lost, compensation shall bear such relation to ~~that~~ the compensation named in ~~this~~
 19 the schedule as disabilities bear the disability bears to the disabilities disability
 20 named in ~~this the~~ the schedule. Indemnity in such those cases shall be determined by
 21 allowing weekly indemnity during the healing period resulting from the injury and
 22 the percentage of permanent disability resulting ~~thereafter~~ after the healing period
 23 as found by the department division.

24 **SECTION 243.** 102.555 (12) (a) of the statutes is amended to read:

1 102.555 (12) (a) An employer, the office, or the ~~department~~ division is not liable
2 for the expense of any examination or test for hearing loss, any evaluation of such
3 an exam or test, any medical treatment for improving or restoring hearing, or any
4 hearing aid to relieve the effect of hearing loss unless it is determined that
5 compensation for occupational deafness is payable under sub. (3), (4), or (11).

History: 1971 c. 148; 1973 c. 150; 1975 c. 147, 199, 200; 1977 c. 195; 1979 c. 278; 1981 c. 92; 1983 a. 98; 1985 a. 83; 1991 a. 85; 2007 a. 185; 2009 a. 206.

SECTION 244. 102.56 (1) of the statutes is amended to read:

6
7 102.56 (1) Subject to sub. (2), if an employee is so permanently disfigured as
8 to occasion potential wage loss due to the disfigurement, the ~~department~~ division
9 may allow such sum as the ~~department~~ division considers just as compensation for
10 the disfigurement, not exceeding the employee's average annual earnings. In
11 determining the potential for wage loss due to the disfigurement and the sum
12 awarded, the ~~department~~ division shall take into account the age, education,
13 training, and previous experience and earnings of the employee, the employee's
14 present occupation and earnings, and likelihood of future suitable occupational
15 change. Consideration for disfigurement allowance is confined to those areas of the
16 body that are exposed in the normal course of employment. The ~~department~~ division
17 shall also take into account the appearance of the disfigurement, its location, and the
18 likelihood of its exposure in occupations for which the employee is suited.

History: 1971 c. 148; 1977 c. 195; 1987 a. 179; 2011 a. 183.

SECTION 245. 102.56 (2) of the statutes is amended to read:

19
20 102.56 (2) If an employee who claims compensation under sub. (1) returns to
21 work for the employer who employed the employee at the time of the injury, or is
22 offered employment with that employer, at the same or a higher wage, the

1 ~~department~~ [✓]division [✓] may not allow that compensation unless the employee suffers
2 an actual wage loss due to the disfigurement.

3 History: 1971 c. 148; 1977 c. 195; 1987 a. 179; 2011 a. 183.

3 **SECTION 246.** 102.565 (1) of the statutes is amended to read:

4 102.565 (1) When ~~an employee working subject to this chapter~~, as a result of
5 exposure in the course of ~~his or her~~ employment over a period of time to toxic or
6 hazardous substances or conditions, an employee performing work that is subject to
7 this chapter [✓] develops any clinically observable abnormality or condition ~~which that~~,
8 on competent medical opinion, predisposes or renders the ~~employ~~ employee in any
9 manner differentially susceptible to disability to such an extent that it is inadvisable
10 for the employee to continue employment involving ~~such that~~ exposure ~~and the~~
11 ~~employee,~~ is discharged from or ceases to continue the employment, and suffers wage
12 loss by reason of ~~such that~~ discharge ~~from~~, or ~~such~~ cessation ~~of~~, employment, the
13 ~~department~~ [✓]division [✓] may allow such sum as it ~~deems~~ the division [✓] considers just as
14 compensation ~~therefor~~ for that wage loss, not exceeding \$13,000. ~~In the event~~ If a
15 nondisabling condition may also be caused by toxic or hazardous exposure not
16 related to employment, and if the employee has a history of ~~such that~~ exposure,
17 compensation as provided by under this section or any other remedy for loss of
18 earning capacity shall not be allowed ~~nor shall any other remedy for loss of earning~~
19 capacity. ~~In case of such discharge.~~ If the employee is discharged from employment
20 prior to a finding by the ~~department~~ [✓]division [✓] that it is inadvisable for the employee
21 to continue in ~~such that~~ employment and if it is reasonably probable that continued
22 exposure would result in disability, the liability of the employer who so discharges

1 the employee is primary, and the liability of the employer's insurer is secondary,
2 under the same procedure and to the same effect as provided by s. 102.62.

History: 1977 c. 29, 195; 1979 c. 278.

3 SECTION 247. 102.565 (2) of the statutes is amended to read:

4 102.565 (2) Upon application of any employer or employee the department
5 division may direct any employee of the employer or an employee who, in the course
6 of his or her employment, has been exposed to toxic or hazardous substances or
7 conditions, to submit to examination by ~~a physician or~~ one or more physicians to be
8 appointed by the department division to determine whether the employee has
9 developed any abnormality or condition under sub. (1), and the degree thereof of that
10 abnormality or condition. The cost of the medical examination shall be borne by the
11 person making application. The physician conducting the examination shall submit
12 the results of the examination shall be submitted by the physician to the department
13 division, which shall submit copies of the reports to the employer and employee, who
14 shall have an opportunity to rebut the reports ~~provided request therefor~~ if a request
15 to submit a rebuttal is made to the department division within 10 days ~~from the~~
16 ~~mailing of~~ after the division mails the report to the parties. The department division
17 shall make its findings as to whether ~~or not~~ it is inadvisable for the employee to
18 continue in his or her employment.

an employee refuses to submit to an examination etc

History: 1977 c. 29, 195; 1979 c. 278.

19 SECTION 248. 102.565 (3) of the statutes is amended to read:

20 102.565 (3) If ~~an employee refuses to submit to the examination after direction~~
21 by the commission, ~~or any member thereof or the department~~ any member of the
22 commission, the division, ~~or an examiner thereof, or~~ in any way obstructs the same

no change

no change, keep plain comma and 10/11

↑ stays

strike comma

1 examination, the employee's right to compensation under this section shall be
2 barred.

3 History: 1977 c. 29, 195; 1979 c. 278.

3 **SECTION 249.** 102.57 of the statutes is amended to read:

4 **102.57 Violations of safety provisions, penalty.** If injury is caused by the
5 failure of the employer to comply with any statute, rule, or order of the department
6 of safety and professional services, compensation and death benefits provided in this
7 chapter shall be increased ~~15%~~ by 15 percent but the total increase may not exceed
8 \$15,000. Failure of an employer reasonably to enforce compliance by employees with
9 any statute, rule, or order of the department of safety and professional services
10 constitutes failure by the employer to comply with that statute, rule, or order.

11 History: 1981 c. 92; 1983 a. 98; 2001 a. 37.

11 **SECTION 250.** 102.58 of the statutes is amended to read:

12 **102.58 Decreased compensation.** If injury is caused by the failure of the
13 employee to use safety devices that are provided in accordance with any statute, rule,
14 or order of the department of safety and professional services and that are
15 adequately maintained, and the use of which is reasonably enforced by the employer,
16 if injury results from the employee's failure to obey any reasonable rule adopted and
17 reasonably enforced by the employer for the safety of the employee and of which the
18 employee has notice, or if injury results from the intoxication of the employee by
19 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
20 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
21 the compensation and death benefit provided in this chapter shall be reduced ~~15%~~
22 by 15 percent but the total reduction may not exceed \$15,000.

23 History: 1971 c. 148; 1981 c. 92; 1983 a. 98; 1987 a. 179; 1995 a. 448; 2001 a. 37.

23 **SECTION 251.** 102.60 (1m) (b) of the statutes is amended to read:

1 102.60 (1m) (b) An amount equal to double the amount recoverable by the
2 injured employee, but not to exceed \$15,000, if the injured employee is a minor of
3 permit age and if at the time of the injury the minor is employed, required, suffered,
4 or permitted to work without a permit in any place of employment or at any
5 employment in or for which the department of workforce development, acting under
6 ch. 103, has adopted a written resolution providing that permits shall not be issued.

7 **SECTION 252.** 102.61 (1g) (b) of the statutes is amended to read:

8 102.61 (1g) (b) If an employer offers an employee suitable employment as
9 provided in par. (c), the employer or the employer's insurance carrier is not liable for
10 temporary disability benefits under s. 102.43 (5) (b) or for the cost of tuition, fees,
11 books, travel, and maintenance under sub. (1). Ineligibility for compensation under
12 this paragraph does not preclude an employee from receiving vocational
13 rehabilitation services under 29 USC 701 to 797b if the department of work force
14 development determines that the employee is eligible to receive those services.

History: 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

History: 1975 c. 147 s. 57; 1975 c. 199; 1977 c. 29, 195; 2005 a. 172; 2009 a. 206.

15 **SECTION 253.** 102.61 (1g) (c) of the statutes is amended to read:

16 102.61 (1g) (c) On receiving notice that he or she is eligible to receive vocational
17 rehabilitation services under 29 USC 701 to 797a, an employee shall provide the
18 employer with a written report from a physician, chiropractor, psychologist, or
19 podiatrist stating the employee's permanent work restrictions. Within 60 days after
20 receiving that report, the employer shall provide to the employee in writing an offer
21 of suitable employment, a statement that the employer has no suitable employment
22 for the employee, or a report from a physician, chiropractor, psychologist, or
23 podiatrist showing that the permanent work restrictions provided by the employee's
24 practitioner are in dispute and documentation showing that the difference in work

1 restrictions would materially affect either the employer's ability to provide suitable
2 employment or a vocational rehabilitation counselor's ability to recommend a
3 rehabilitative training program. If the employer and employee cannot resolve the
4 dispute within 30 days after the employee receives the employer's report and
5 documentation, the employer or employee may request a hearing before the
6 ~~department~~ division to determine the employee's work restrictions. Within 30 days
7 after the ~~department~~ division determines the employee's work restrictions, the
8 employer shall provide to the employee in writing an offer of suitable employment
9 or a statement that the employer has no suitable employment for the employee.

10 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

11 **SECTION 254.** 102.61 (1m) (a) of the statutes is amended to read:

12 102.61 (1m) (a) If the department of workforce development has determined
13 under sub. (1) that an employee is eligible for vocational rehabilitation services
14 under 29 USC 701 to 797b, but that the department of workforce development cannot
15 provide those services for the employee, the employee may select a private
16 rehabilitation counselor certified by the department office to determine whether the
17 employee can return to suitable employment without rehabilitative training and, if
18 that counselor determines that rehabilitative training is necessary, to develop a
19 rehabilitative training program to restore as nearly as possible the employee to his
or her preinjury earning capacity and potential.

20 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

21 **SECTION 255.** 102.61 (1m) (c) of the statutes is amended to read:

22 102.61 (1m) (c) The employer or insurance carrier shall pay the reasonable cost
23 of any services provided for an employee by a private rehabilitation counselor under
24 par. (a) and, subject to the conditions and limitations specified in sub. (1r) (a) to (c)
and by rule, if the private rehabilitation counselor determines that rehabilitative

1 training is necessary, the reasonable cost of the rehabilitative training program
2 recommended by that counselor, including the cost of tuition, fees, books,
3 maintenance, and travel at the same rate as is provided for state officers and
4 employees under s. 20.916 (8). Notwithstanding that the department office may
5 authorize under s. 102.43 (5) (b) a rehabilitative training program that lasts longer
6 than 80 weeks, a rehabilitative training program that lasts 80 weeks or less is
7 presumed to be reasonable.

8 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

8 **SECTION 256.** 102.61 (1m) (d) of the statutes is amended to read:

9 102.61 (1m) (d) If an employee receives services from a private rehabilitation
10 counselor under par. (a) and later receives similar services from the department of
11 workforce development under sub. (1) without the prior approval of the employer or
12 insurance carrier, the employer or insurance carrier is not liable for temporary
13 disability benefits under s. 102.43 (5) (b) or for tuition, fee, book, travel, and
14 maintenance costs under sub. (1) that exceed what the employer or insurance carrier
15 would have been liable for under the rehabilitative training program developed by
16 the private rehabilitation counselor.

17 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

17 **SECTION 257.** 102.61 (1m) (e) of the statutes is amended to read:

18 102.61 (1m) (e) Nothing in this subsection prevents an employer or insurance
19 carrier from providing an employee with the services of a private rehabilitation
20 counselor or with rehabilitative training under sub. (3) before the department of
21 workforce development makes its determination under par. (a).

22 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

22 **SECTION 258.** 102.61 (1m) (f) of the statutes is amended to read:

23 102.61 (1m) (f) The department office shall promulgate rules establishing
24 procedures and requirements for the private rehabilitation counseling and

1 rehabilitative training process under this subsection. Those rules shall include rules
2 specifying the procedure and requirements for certification of private rehabilitation
3 counselors.

4 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

SECTION 259. 102.61 (2) of the statutes is amended to read:

5 102.61 (2) The department division, the commission, and the courts shall
6 determine the rights and liabilities of the parties under this section in like manner
7 and with like effect as the department division, the commission, and the courts
8 determine other issues under this chapter. A determination under this subsection
9 may include a determination based on the evidence regarding the cost or scope of the
10 services provided by a private rehabilitation counselor under sub. (1m) (a) or the cost
11 or reasonableness of a rehabilitative training program developed under sub. (1m) (a).

12 **History:** 1975 c. 147; 1985 a. 83, 135; 1993 a. 370; 1995 a. 27 ss. 3745, 9126 (19), 9130 (4); 1997 a. 3, 112; 2001 a. 37; 2005 a. 172; 2011 a. 183.

SECTION 260. 102.62 of the statutes is amended to read:

13 **102.62 Primary and secondary liability; unchangeable.** In case of
14 liability under s. 102.57 or 102.60, the liability of the employer shall be primary and
15 the liability of the insurance carrier shall be secondary. If proceedings are had before
16 the department division for the recovery of that liability, the department division
17 shall set forth in its award the amount and order of liability as provided in this
18 section. Execution shall not be issued against the insurance carrier to satisfy any
19 judgment covering that liability until execution has first been issued against the
20 employer and has been returned unsatisfied as to any part of that liability. Any
21 provision in any insurance policy undertaking to guarantee primary liability or to
22 avoid secondary liability for a liability under s. 102.57 or 102.60 is void. If the
23 employer has been adjudged bankrupt or has made an assignment for the benefit of
24 creditors, or if the employer, other than an individual, has gone out of business or has

1 been dissolved, or if the employer is a corporation and its charter has been forfeited
2 or revoked, the insurer shall be liable for the payment of that liability without
3 judgment or execution against the employer, but without altering the primary
4 liability of the employer.

History: 2005 a. 172.

5 **SECTION 261.** 102.63 of the statutes is amended to read:

6 **102.63 Refunds by state.** Whenever the department shall certify office
7 certifies to the secretary of administration that excess payment has been made under
8 s. 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the secretary
9 of administration shall within 5 days after receipt of such that certificate the
10 secretary of administration shall draw an order against the fund in the state
11 treasury into which such that excess was paid, reimbursing such the payor of such
12 the excess payment, together with interest actually earned thereon on that excess
13 payment if. If the excess payment has been on deposit for at least 6 months, the payor
14 of the excess payment shall also be paid interest actually earned on the excess
15 payment.

History: 1981 c. 92; 2003 a. 33.

16 **SECTION 262.** 102.64 (1) of the statutes is amended to read:

17 102.64 (1) Upon request of the department of administration, a representative
18 of the department of justice shall represent the state in cases involving payment into
19 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
20 department of justice, after giving notice to the department of administration, may
21 compromise the amount of those payments but such compromises shall be subject to
22 review by the department of workforce development office. If the spouse or domestic
23 partner under ch. 770 of the deceased employee compromises his or her claim for a
24 primary death benefit, the claim of the children of the employee under s. 102.49 shall

1 be compromised on the same proportional basis, subject to approval by the
2 ~~department~~ office. If the persons entitled to compensation on the basis of total
3 dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49
4 (5) (a) shall be compromised on the same proportional basis.

History: 1975 c. 147; 1977 c. 187 s. 134; 1977 c. 195; 1979 c. 110 s. 60 (11); 1981 c. 20; 1983 a. 98; 1995 a. 27 ss. 3745g, 9130 (4); 1997 a. 3; 2007 a. 185; 2009 a. 28; 2011 a. 183.

5 **SECTION 263.** 102.64 (2) of the statutes is amended to read:

6 102.64 (2) Upon request of the department of administration, the attorney
7 general shall appear on behalf of the state in proceedings upon claims for
8 compensation against the state. Except as provided in s. 102.65 (3), the department
9 of justice shall represent the interests of the state in proceedings under s. 102.44 (1),
10 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise claims
11 in those proceedings, but the compromises are subject to review by the ~~department~~
12 ~~of workforce development~~ office. Costs incurred by the department of justice in
13 prosecuting or defending any claim for payment into or out of the work injury
14 supplemental benefit fund under s. 102.65, including expert witness and witness
15 fees but not including attorney fees or attorney travel expenses for services
16 performed under this subsection, shall be paid from the work injury supplemental
17 benefit fund.

History: 1975 c. 147; 1977 c. 187 s. 134; 1977 c. 195; 1979 c. 110 s. 60 (11); 1981 c. 20; 1983 a. 98; 1995 a. 27 ss. 3745g, 9130 (4); 1997 a. 3; 2007 a. 185; 2009 a. 28; 2011 a. 183.

18 **SECTION 264.** 102.65 (1) of the statutes is amended to read:

19 102.65 (1) The moneys payable to the state treasury under ss. 102.35 (1),
20 102.47, 102.49, 102.59, and 102.60, together with all accrued interest on those
21 moneys, and all interest payments received under s. 102.75 (2), shall constitute a
22 separate nonlapsible fund designated as the work injury supplemental benefit fund.

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

2 (t) ^{plain} and may not be used for any other purpose of the state.

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

SECTION 265. 102.65 (2) of the statutes is amended to read:

102.65 (2) For proper administration of the moneys available in the fund the department office shall by order, set aside in the state treasury suitable reserves to carry to maturity the liability for benefits under ss. 102.44, 102.49, 102.59, and 102.66. ~~Such~~ Those moneys shall be invested by the investment board in accordance with s. 25.14 (5).

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

SECTION 266. 102.65 (3) of the statutes is amended to read:

102.65 (3) The ~~department of workforce development~~ office may retain the department of administration to process, investigate, and pay claims under ss. 102.44 (1), 102.49, 102.59, and 102.66. If retained by the ~~department of workforce development~~ office, the department of administration may compromise a claim processed by that department, but a compromise made by that department is subject to review by the ~~department of workforce development~~ office. The ~~department of workforce development~~ office shall pay for the services retained under this subsection from the appropriation account under s. ~~20.445 (1)(t)~~ 20.145 (6)(t). ^{plain}

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

SECTION 267. 102.65 (4) (intro.) of the statutes is amended to read:

102.65 (4) (intro.) The secretary commissioner shall monitor the cash balance in, and incurred losses to, the work injury supplemental benefit fund using generally accepted actuarial principles. If the secretary commissioner determines that the expected ultimate losses to the work injury supplemental benefit fund on known claims exceed 85 percent of the cash balance in that fund, the secretary commissioner shall consult with the council on worker's compensation. If ~~the secretary~~, after

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1 consulting with the council on worker's compensation, the secretary determines that
2 there is a reasonable likelihood that the cash balance in the work injury
3 supplemental benefit fund may become inadequate to fund all claims under ss.
4 102.44 (1) (c), 102.49, 102.59, and 102.66, the secretary commissioner shall file with
5 the secretary of administration a certificate attesting that the cash balance in that
6 fund is likely to become inadequate to fund all claims under ss. 102.44 (1) (c), 102.49,
7 102.59, and 102.66 and specifying one of the following:

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

8 **SECTION 268.** 102.65 (4) (a) of the statutes is amended to read:

9 102.65 (4) (a) That payment of those claims will be made as provided in a
10 schedule that the department office shall promulgate by rule.

History: 1975 c. 147; 1977 c. 29; 1981 c. 20 s. 2202 (28) (a); 1983 a. 98 s. 31; 1989 a. 64; 1991 a. 174; 1995 a. 117; 2005 a. 172; 2007 a. 185; 2011 a. 183.

11 **SECTION 269.** 102.66 (1) of the statutes is amended to read:

12 102.66 (1) Subject to any certificate filed under s. 102.65 (4), if there is an
13 otherwise meritorious claim for occupational disease, or for a traumatic injury
14 described in s. 102.17 (4) in which the date of injury or death or last payment of
15 compensation, other than for treatment or burial expenses, is before April 1, 2006,
16 and if the claim is barred solely by the statute of limitations under s. 102.17 (4), the
17 department office may, in lieu of worker's compensation benefits, direct payment
18 from the work injury supplemental benefit fund under s. 102.65 of such
19 compensation and such medical expenses as would otherwise be due, based on the
20 date of injury, to or on behalf of the injured employee. The benefits shall be
21 supplemental, to the extent of compensation liability, to any disability or medical
22 benefits payable from any group insurance policy whose premium is paid in whole
23 or in part by any employer, or under any federal insurance or benefit program

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1 providing disability or medical benefits. Death benefits payable under any such
2 group policy do not limit the benefits payable under this section.

3 **History:** 1975 c. 147; 1979 c. 278; 2001 a. 37; 2005 a. 172; 2011 a. 183.

3 **SECTION 270.** 102.75 (1) of the statutes is amended to read:

4 102.75 (1) The ~~department~~ office shall assess upon and collect from each
5 licensed worker's compensation insurance carrier and from each employer exempted
6 under s. 102.28 (2) by special order or by rule, the proportion of total costs and
7 expenses incurred by the council on worker's compensation for travel and research
8 and by the ~~department~~ office, the division, and the commission in the administration
9 of this chapter for the current fiscal year plus any deficiencies in collections and
10 anticipated costs from the previous fiscal year, that the total indemnity paid or
11 payable under this chapter by each such carrier and exempt employer in worker's
12 compensation cases initially closed during the preceding calendar year, other than
13 for increased, double, or treble compensation bore to the total indemnity paid in cases
14 closed the previous calendar year under this chapter by all carriers and exempt
15 employers other than for increased, double, or treble compensation. The council on
16 worker's compensation, the division, and the commission shall annually certify any
17 costs and expenses for worker's compensation activities to the ~~department~~ office at
18 such time as the ~~secretary~~ commissioner requires.

19 **History:** 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20.

19 **SECTION 271.** 102.75 (1m) of the statutes is amended to read:

20 102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and
21 102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible
22 fund designated as the worker's compensation operations fund. Moneys in the fund

1 may be expended only as provided in s. ~~20.445 (1)~~ ss. 20.145 (6) (ra), (rb), and (rp) and
2 ~~(2) (ra)~~ 20.505 (4) ~~(ra)~~ and may not be used for any other purpose of the state.

History: 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20.

3 **SECTION 272.** 102.75 (2) of the statutes is amended to read:

4 102.75 (2) The ~~department~~ office shall require that payments for costs and
5 expenses for each fiscal year shall be made on such dates as the ~~department~~ office
6 prescribes by each licensed worker's compensation insurance carrier and employer
7 exempted under s. 102.28 (2). Each such payment shall be a sum equal to a
8 proportionate share of the annual costs and expenses assessed upon each carrier and
9 employer as estimated by the ~~department~~ office. Interest shall accrue on amounts
10 not paid within 30 days after the date prescribed by the ~~department~~ office under this
11 subsection at the rate of 1 percent per month. All interest payments received under
12 this subsection shall be deposited in the fund established under s. 102.65.

History: 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20.

13 **SECTION 273.** 102.75 (4) of the statutes is amended to read:

14 102.75 (4) From the appropriation under s. ~~20.445 (1)~~ (ra) ~~20.145 (6)~~ (ra), the
15 ~~department~~ office shall allocate the amounts that it collects in application fees from
16 employers applying for exemption under s. 102.28 (2) and the annual amount that
17 it collects from employers that have been exempted under s. 102.28 (2) to fund the
18 activities of the ~~department~~ office under s. 102.28 (2) (b) and (c).

History: 1975 c. 39; 1975 c. 147 s. 54; 1977 c. 195, 418; 1981 c. 20, 92; 1987 a. 27; 1991 a. 85; 1995 a. 117; 2005 a. 172; 2009 a. 206; 2013 a. 20.

19 **SECTION 274.** 102.80 (1m) of the statutes is amended to read:

20 102.80 (1m) The moneys collected or received under sub. (1), together with all
21 accrued interest, shall constitute a separate nonlapsible fund designated as the
22 uninsured employers fund. Moneys in the fund may be expended only as provided

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plain
20.445 (1) (sm) 20.145 (6) (sm)

1
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in s. ~~20.445 (1) (sm)~~ 20.145 (6) (sm) and may not be used for any other purpose of the state.

History: 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

SECTION 275. 102.80 (3) (a) of the statutes is amended to read:

102.80 (3) (a) If the cash balance in the uninsured employers fund equals or exceeds \$4,000,000, the secretary commissioner shall consult the council on worker's compensation within 45 days after that cash balance equals or exceeds \$4,000,000. ~~The secretary may file with the secretary of administration, within~~ Within 15 days after consulting the council on worker's compensation, the commissioner may file with the secretary of administration a certificate attesting that the cash balance in the uninsured employers fund equals or exceeds \$4,000,000.

History: 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

SECTION 276. 102.80 (3) (ag) of the statutes is amended to read:

102.80 (3) (ag) The secretary commissioner shall monitor the cash balance in, and incurred losses to, the uninsured employers fund using generally accepted actuarial principles. If the secretary commissioner determines that the expected ultimate losses to the uninsured employers fund on known claims exceed 85 percent of the cash balance in the uninsured employers fund, the secretary commissioner shall consult with the council on worker's compensation. If ~~the secretary,~~ after consulting with the council on worker's compensation, the commissioner determines that there is a reasonable likelihood that the cash balance in the uninsured employers fund may become inadequate to fund all claims under s. 102.81 (1), the secretary commissioner shall file with the secretary of administration a certificate attesting that the cash balance in the uninsured employer's fund is likely to become

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1 inadequate to fund all claims under s. 102.81 (1) and specifying a date after which
2 no new claims under s. 102.81 (1) will be paid.

3 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

3 **SECTION 277.** 102.80 (3) (am) of the statutes is amended to read:

4 102.80 (3) (am) If the ~~secretary~~ commissioner files the certificate under par. (a),
5 the ~~department~~ may ~~expend the moneys in the uninsured employers fund~~ office may,
6 beginning on the first day of the first July after the ~~secretary~~ commissioner files that
7 certificate, expend the moneys in the uninsured employers fund to make payments
8 under s. 102.81 (1) to employees of uninsured employers and to obtain reinsurance
9 under s. 102.81 (2).

10 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

10 **SECTION 278.** 102.80 (3) (b) of the statutes is amended to read:

11 102.80 (3) (b) If the ~~secretary~~ commissioner does not file the certificate under
12 par. (a), the ~~department~~ office may not expend the moneys in the uninsured
13 employers fund.

14 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

14 **SECTION 279.** 102.80 (3) (c) of the statutes is amended to read:

15 102.80 (3) (c) If, after filing the certificate under par. (a), the ~~secretary~~ commissioner
16 files the certificate under par. (ag), the ~~department~~ office may expend
17 the moneys in the uninsured employers fund only to make payments under s. 102.81
18 (1) to employees of uninsured employers on claims made before the date specified in
19 that the certificate under par. (ag) and to obtain reinsurance under s. 102.81 (2) for
20 the payment of those claims.

21 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

21 **SECTION 280.** 102.80 (4) (a) (intro.) of the statutes is amended to read:

22 102.80 (4) (a) (intro.) If an uninsured employer who owes to the ~~department~~ office
23 any amount under s. 102.82 or 102.85 (4) transfers his or her business assets

1 or activities, the transferee is liable for the amounts owed by the uninsured employer
2 under s. 102.82 or 102.85 (4) if the department office determines that all of the
3 following conditions are satisfied:

4 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

4 **SECTION 281.** 102.80 (4) (b) of the statutes is amended to read:

5 102.80 (4) (b) The department office may collect from a transferee described in
6 par. (a) an amount owed under s. 102.82 or 102.85 (4) using the procedures specified
7 in ss. 102.83, 102.835, and 102.87 and the preference specified in s. 102.84 in the
8 same manner as the department office may collect from an uninsured employer.

9 **History:** 1989 a. 64; 1991 a. 85; 1993 a. 81; 1995 a. 117; 2003 a. 139; 2005 a. 172; 2007 a. 185.

9 **SECTION 282.** 102.81 (1) (a) of the statutes is amended to read:

10 102.81 (1) (a) If an employee of an uninsured employer, other than an employee
11 who is eligible to receive alternative benefits under s. 102.28 (3), suffers an injury for
12 which the uninsured employer is liable under s. 102.03, the department office or the
13 department's office's reinsurer shall pay to or on behalf of the injured employee or
14 to the employee's dependents an amount equal to the compensation owed them by
15 the uninsured employer under this chapter except penalties and interest due under
16 ss. 102.16 (3), 102.18 (1) (b) and (bp), 102.22 (1), 102.35 (3), 102.57, and 102.60.

17 **History:** 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

17 **SECTION 283.** 102.81 (1) (b) of the statutes is amended to read:

18 102.81 (1) (b) The department office shall make the payments required under
19 par. (a) from the uninsured employers fund, except that if the department office has
20 obtained reinsurance under sub. (2) and is unable to make those payments from the
21 uninsured employers fund, the department's office's reinsurer shall make those
22 payments according to the terms of the contract of reinsurance.

23 **History:** 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

23 **SECTION 284.** 102.81 (2) of the statutes is amended to read:

1 102.81 (2) The ~~department~~ [✓] office [✓] may retain an insurance carrier or insurance
 2 service organization to process, investigate, and pay claims under this section and
 3 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
 4 do business in this state in an amount that the ~~secretary~~ [✓] commissioner [✓] determines
 5 is necessary for the sound operation of the uninsured employers fund. In cases
 6 involving disputed claims, the ~~department~~ [✓] office [✓] may retain an attorney to represent
 7 the interests of the uninsured employers [✓] fund and to make appearances on behalf
 8 of the uninsured employers fund in proceedings under ss. 102.16 to 102.29. Section
 9 20.930 and all provisions of subch. IV of ch. 16, except s. 16.753, do not apply to an
 10 attorney hired under this subsection. The charges for the services retained under
 11 this subsection shall be paid from the appropriation under s. ~~20.445 (1) (rp)~~ 20.145
 12 (6) (rp) ^{plain}. The cost of any reinsurance obtained under this subsection shall be paid
 13 from the appropriation under s. ~~20.445 (1) (sm)~~ 20.145 (6) (sm) ^{plain}.

History: 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

14 **SECTION 285.** 102.81 (4) (a) of the statutes is amended to read:

15 102.81 (4) (a) If the employee or dependent begins an action to recover
 16 compensation from the employee's employer or a 3rd party liable under s. 102.29,
 17 provide to the ~~department~~ [✓] office [✓] a copy of all papers filed by any party in the action.

History: 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

18 **SECTION 286.** 102.81 (4) (b) (intro.) of the statutes is amended to read:

19 102.81 (4) (b) (intro.) If the employee or dependent receives compensation from
 20 the employee's employer or a 3rd party liable under s. 102.29, pay to the ~~department~~ [✓]
 21 office [✓] the lesser of the following:

History: 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

22 **SECTION 287.** 102.81 (6) (a) of the statutes is amended to read:

1 102.81 (6) (a) Subject to par. (b), an employee, a dependent of an employee, an
2 uninsured employer, a 3rd party who is liable under s. 102.29, or the department
3 office may enter into an agreement to settle liabilities under this chapter.

4 **History:** 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

4 **SECTION 288.** 102.81 (6) (b) of the statutes is amended to read:

5 102.81 (6) (b) A settlement under par. (a) is void without the department's
6 written approval of the office.

7 **History:** 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

7 **SECTION 289.** 102.81 (7) of the statutes is amended to read:

8 102.81 (7) This section first applies to injuries occurring on the first day of the
9 first July beginning after the day that the secretary commissioner files a certificate
10 under s. 102.80 (3) (a), except that if the secretary commissioner files a certificate
11 under s. 102.80 (3) (ag) this section does not apply to claims filed on or after the date
12 specified in that certificate.

13 **History:** 1989 a. 64; 1995 a. 117; 2003 a. 144; 2005 a. 172, 253, 410; 2007 a. 97; 2009 a. 206.

13 **SECTION 290.** 102.82 (1) of the statutes is amended to read:

14 102.82 (1) Except as provided in sub. (2) (ar), an uninsured employer shall
15 reimburse the department office for any payment made under s. 102.81 (1) to or on
16 behalf of an employee of the uninsured employer or to an employee's dependents and
17 for any expenses paid by the department office in administering the claim of the
18 employee or dependents, less amounts repaid by the employee or dependents under
19 s. 102.81 (4) (b). The reimbursement owed under this subsection is due within 30
20 days after the date on which the department office notifies the uninsured employer
21 that the reimbursement is owed. Interest shall accrue on amounts not paid when due
22 at the rate of ~~1%~~ 1 percent per month.

23 **History:** 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

23 **SECTION 291.** 102.82 (2) (a) (intro.) of the statutes is amended to read:

1 102.82 (2) (a) (intro.) Except as provided in pars. (ag), (am), and (ar), all
2 uninsured employers shall pay to the ~~department~~ office the greater of the following:

3 History: 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

3 **SECTION 292.** 102.82 (2) (a) 1. of the statutes is amended to read:

4 102.82 (2) (a) 1. Twice the amount determined by the ~~department~~ office to equal
5 what the uninsured employer would have paid during periods of illegal nonpayment
6 for worker's compensation insurance in the preceding 3-year period based on the
7 employer's payroll in the preceding 3 years.

8 History: 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

8 **SECTION 293.** 102.82 (2) (ag) (intro.) of the statutes is amended to read:

9 102.82 (2) (ag) (intro.) An uninsured employer who is liable to the ~~department~~
10 office under par. (a) 2 shall pay to the ~~department~~ office, in lieu of the payment
11 required under par. (a) 2., \$100 per day for each day that the employer is uninsured
12 if all of the following apply:

13 History: 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

13 **SECTION 294.** 102.82 (2) (am) of the statutes is amended to read:

14 102.82 (2) (am) The ~~department~~ office may waive any payment owed under par.
15 (a) by an uninsured employer if the ~~department~~ office determines that the uninsured
16 employer is subject to this chapter only because the uninsured employer has elected
17 to become subject to this chapter under s. 102.05 (2) or 102.28 (2).

18 History: 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

18 **SECTION 295.** 102.82 (2) (ar) of the statutes is amended to read:

19 102.82 (2) (ar) The ~~department~~ office may waive any payment owed under par.
20 (a) or (ag) or sub. (1) if the ~~department~~ office determines that the sole reason for the
21 uninsured employer's failure to comply with s. 102.28 (2) is that the uninsured
22 employer was a victim of fraud, misrepresentation, or gross negligence by an

1 insurance agent or insurance broker or by a person whom a reasonable person would
2 believe is an insurance agent or insurance broker.

3 **History:** 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

3 **SECTION 296.** 102.82 (2) (c) of the statutes is amended to read:

4 102.82 (2) (c) The department of justice or, if the department of justice consents,
5 the department of ~~workforce development~~ office may bring an action in circuit court
6 to recover payments and interest owed to the department of ~~workforce development~~
7 office under this section.

8 **History:** 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

8 **SECTION 297.** 102.82 (3) (a) of the statutes is amended to read:

9 102.82 (3) (a) When an employee dies as a result of an injury for which an
10 uninsured employer is liable under s. 102.03, the uninsured employer shall pay
11 \$1,000 to the department office.

12 **History:** 1989 a. 64, 359; 1991 a. 85; 1993 a. 81; 1995 a. 27 s. 9130 (4); 1997 a. 3, 38; 2003 a. 144; 2009 a. 206.

12 **SECTION 298.** 102.83 (1) (a) 1. of the statutes is amended to read:

13 102.83 (1) (a) 1. If an uninsured employer or any individual who is found
14 personally liable under sub. (8) fails to pay to the department office any amount owed
15 to the department office under s. 102.82 and no proceeding for review is pending, the
16 department office or any authorized representative may issue a warrant directed to
17 the clerk of circuit court for any county of the state.

18 **History:** 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

18 **SECTION 299.** 102.83 (1) (a) 3. of the statutes is amended to read:

19 102.83 (1) (a) 3. A warrant entered under subd. 2. shall be considered in all
20 respects as a final judgment constituting a perfected lien on the right, title, and
21 interest of the uninsured employer or the individual in all of that person's real and
22 personal property located in the county where the warrant is entered. The lien is
23 effective when the department office issues the warrant under subd. 1. and shall

1 continue until the amount owed, including interest, costs, and other fees to the date
2 of payment, is paid.

3 **History:** 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

3 **SECTION 300.** 102.83 (1) (a) 4. of the statutes is amended to read:

4 102.83 (1) (a) 4. After the warrant is entered in the judgment and lien docket,
5 the department office or any authorized representative may file an execution with
6 the clerk of circuit court for filing by the clerk of circuit court with the sheriff of any
7 county where real or personal property of the uninsured employer or the individual
8 is found, commanding the sheriff to levy upon and sell sufficient real and personal
9 property of the uninsured employer or the individual to pay the amount stated in the
10 warrant in the same manner as upon an execution against property issued upon the
11 judgment of a court of record, and to return the warrant to the department office and
12 pay to it the money collected by virtue of the warrant within 60 days after receipt of
13 the warrant.

14 **History:** 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

14 **SECTION 301.** 102.83 (1) (b) of the statutes is amended to read:

15 102.83 (1) (b) The clerk of circuit court shall accept and enter the warrant in
16 the judgment and lien docket without prepayment of any fee, but the clerk of circuit
17 court shall submit a statement of the proper fee semiannually to the department
18 office covering the periods from January 1 to June 30 and July 1 to December 31
19 unless a different billing period is agreed to between the clerk and the department
20 office. The fees shall then be paid by the department office, but the fees provided by
21 s. 814.61 (5) for entering the warrants shall be added to the amount of the warrant
22 and collected from the uninsured employer or the individual when satisfaction or
23 release is presented for entry.

24 **History:** 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

24 **SECTION 302.** 102.83 (2) of the statutes is amended to read:

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1 102.83 (2) The ~~department~~ office may issue a warrant of like terms, force, and
 2 effect to any employee or other agent of the ~~department~~ office, who may file a copy
 3 of the warrant with the clerk of circuit court of any county in the state, and thereupon
 4 the clerk of circuit court shall enter the warrant in the judgment and lien docket and
 5 the warrant shall become a lien in the same manner, and with the same force and
 6 effect, as provided in sub. (1). In the execution of the warrant, the employee or other
 7 agent shall have all the powers conferred by law upon a sheriff, but may not collect
 8 from the uninsured employer or the individual any fee or charge for the execution of
 9 the warrant in excess of the actual expenses paid in the performance of his or her
 10 duty.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

11 **SECTION 303.** 102.83 (3) of the statutes is amended to read:

12 102.83 (3) If a warrant is returned not satisfied in full, the ~~department~~ office
 13 shall have the same remedies to enforce the amount due for payments, interest,
 14 costs, and other fees as if the ~~department~~ office had recovered judgment against the
 15 uninsured employer or the individual and an execution had been returned wholly or
 16 partially not satisfied.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

17 **SECTION 304.** 102.83 (4) of the statutes is amended to read:

18 102.83 (4) When the payments, interest, costs, and other fees specified in a
 19 warrant have been paid to the ~~department~~ office, the ~~department~~ office shall issue
 20 a satisfaction of the warrant and file it with the clerk of circuit court. The clerk of
 21 circuit court shall immediately enter the satisfaction of the judgment in the
 22 judgment and lien docket. The ~~department~~ office shall send a copy of the satisfaction
 23 to the uninsured employer or the individual.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

24 **SECTION 305.** 102.83 (5) of the statutes is amended to read:

1 102.83 (5) The ~~department~~ office, if it finds that the interests of the state will
2 not be jeopardized, and upon such conditions as it may exact, may issue a release of
3 any warrant with respect to any real or personal property upon which the warrant
4 is a lien or cloud upon title. The clerk of circuit court shall enter the release upon
5 presentation of the release to the clerk and payment of the fee for filing the release
6 and the release shall be conclusive proof that the lien or cloud upon the title of the
7 property covered by the release is extinguished.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

8 **SECTION 306.** 102.83 (6) of the statutes is amended to read:

9 102.83 (6) At any time after the filing of a warrant, the ~~department~~ office may
10 commence and maintain a garnishee action as provided by ch. 812 or may use the
11 remedy of attachment as provided by ch. 811 for actions to enforce a judgment. The
12 place of trial of an action under ch. 811 or 812 may be either in Dane County or the
13 county where the debtor resides and may not be changed from the county in which
14 the action is commenced, except upon consent of the parties.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

15 **SECTION 307.** 102.83 (7) of the statutes is amended to read:

16 102.83 (7) If the ~~department~~ office issues an erroneous warrant, the
17 ~~department~~ office shall issue a notice of withdrawal of the warrant to the clerk of
18 circuit court for the county in which the warrant is filed. The clerk shall void the
19 warrant and any liens attached by it.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

20 **SECTION 308.** 102.83 (8) of the statutes is amended to read:

21 102.83 (8) Any officer or director of an uninsured employer that is a corporation
22 and any member or manager of an uninsured employer that is a limited liability
23 company may be found individually and jointly and severally liable for the payments,
24 interest, costs and other fees specified in a warrant under this section if after proper

1 proceedings for the collection of those amounts from the corporation or limited
2 liability company, as provided in this section, the corporation or limited liability
3 company is unable to pay those amounts to the department office. The personal
4 liability of the officers and directors of a corporation or of the members and managers
5 of a limited liability company as provided in this subsection is an independent
6 obligation, survives dissolution, reorganization, bankruptcy, receivership,
7 assignment for the benefit of creditors, judicially confirmed extension or
8 composition, or any analogous situation of the corporation or limited liability
9 company, and shall be set forth in a determination or decision issued under s. 102.82.

History: 1993 a. 81; 1995 a. 117, 224; 1997 a. 35, 38; 2007 a. 185.

10 **SECTION 309.** 102.835 (1) (ad) of the statutes is amended to read:

11 102.835 (1) (ad) “Debtor” means an uninsured employer or an individual found
12 personally liable under s. 102.83 (8) who owes the department office a debt.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

13 **SECTION 310.** 102.835 (1) (e) of the statutes is amended to read:

14 102.835 (1) (e) “Payment” means a payment owed to the department office
15 under s. 102.82 and includes interest on that payment.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

16 **SECTION 311.** 102.835 (2) of the statutes is amended to read:

17 102.835 (2) POWERS OF LEVY AND DISTRAINT. If any debtor who is liable for any
18 debt fails to pay that debt after the department office has made demand for payment,
19 the department office may collect that debt and the expenses of the levy by levy upon
20 any property belonging to the debtor. If the value of any property that has been levied
21 upon under this section is not sufficient to satisfy the claim of the department office,
22 the department office may levy upon any additional property of the debtor until the
23 debt and expenses of the levy are fully paid.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

1 **SECTION 312.** 102.835 (3) of the statutes is amended to read:

2 102.835 (3) DUTIES TO SURRENDER. Any person in possession of or obligated with
3 respect to property or rights to property that is subject to levy and upon which a levy
4 has been made shall, upon demand of the department office, surrender the property
5 or rights or discharge the obligation to the department office, except that part of the
6 property or rights which is, at the time of the demand, subject to any prior
7 attachment or execution under any judicial process.

8 History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

8 **SECTION 313.** 102.835 (4) (a) of the statutes is amended to read:

9 102.835 (4) (a) Any debtor who fails to surrender any property or rights to
10 property that is subject to levy, upon demand by the department office, is subject to
11 proceedings to enforce the amount of the levy.

12 History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

12 **SECTION 314.** 102.835 (4) (b) of the statutes is amended to read:

13 102.835 (4) (b) Any 3rd party who fails to surrender any property or rights to
14 property subject to levy, upon demand of the department office, is subject to
15 proceedings to enforce the levy. The 3rd party is not liable to the department office
16 under this paragraph for more than 25% of the debt. The department office shall
17 serve a final demand as provided under sub. (13) on any 3rd party who fails to
18 surrender property. Proceedings may not be initiated by the department office until
19 5 days after service of the final demand. The department office shall issue a
20 determination under s. 102.82 to the 3rd party for the amount of the liability.

21 History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

21 **SECTION 315.** 102.835 (4) (c) of the statutes is amended to read:

22 102.835 (4) (c) When a 3rd party surrenders the property or rights to the
23 property on demand of the department office or discharges the obligation to the
24 department office for which the levy is made, the 3rd party is discharged from any

1 obligation or liability to the debtor with respect to the property or rights to the
2 property arising from the surrender or payment to the department office.

3 **History:** 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

3 **SECTION 316.** 102.835 (5) (a) of the statutes is amended to read:

4 102.835 (5) (a) If the department office has levied upon property, any person,
5 other than the debtor who is liable to pay the debt out of which the levy arose, who
6 claims an interest in or lien on that property, and who claims that that property was
7 wrongfully levied upon may bring a civil action against the state in the circuit court
8 for Dane County. That action may be brought whether or not that property has been
9 surrendered to the department office. The court may grant only the relief under par.
10 (b). No other action to question the validity of or to restrain or enjoin a levy by the
11 department office may be maintained.

12 **History:** 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

12 **SECTION 317.** 102.835 (5) (c) of the statutes is amended to read:

13 102.835 (5) (c) For purposes of an adjudication under this subsection, the
14 determination of the debt upon which the interest or lien of the department office is
15 based is conclusively presumed to be valid.

16 **History:** 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

16 **SECTION 318.** 102.835 (6) of the statutes is amended to read:

17 102.835 (6) DETERMINATION OF EXPENSES. The department office shall
18 determine its costs and expenses to be paid in all cases of levy.

19 **History:** 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.

19 **SECTION 319.** 102.835 (7) (a) of the statutes is amended to read:

20 102.835 (7) (a) The department office shall apply all money obtained under this
21 section first against the expenses of the proceedings and then against the liability
22 in respect to which the levy was made and any other liability owed to the department
23 office by the debtor.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283; 2001 a. 109; 2005 a. 442; 2007 a. 185.