

1 to the information or written material. The ~~department~~ division shall provide each  
2 party with a copy of any order issued under this paragraph.

3 \*~~0610/P3.93~~\*SECTION 2799. 102.17 (1) (c) of the statutes is renumbered  
4 102.17 (1) (c) 1. and amended to read:

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

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

## SECTION 2799

1 that the applicant or licensee is liable for delinquent unemployment insurance  
2 contributions. Before suspending or revoking the license of the agent on the grounds  
3 of fraud or misconduct, the department office shall give notice in writing to the agent  
4 of the charges of fraud or misconduct and shall give the agent full opportunity to be  
5 heard in relation to those charges. In denying, suspending, restricting, refusing to  
6 renew, or otherwise withholding a license for failure to pay court-ordered payments  
7 as provided in par. (cm), the department office shall follow the procedure provided  
8 in a memorandum of understanding entered into under s. 49.857. ~~The license and~~  
9 ~~certificate of authority shall, unless~~

10 3. Unless otherwise suspended or revoked, a license issued under subd. 1. shall  
11 be in force from the date of issuance until the June 30 following the date of issuance  
12 and may be renewed by the department office from time to time, but each renewed  
13 license shall expire on the June 30 following the issuance of the renewed license.

14 ~~\*-0610/P3.94~~**SECTION 2800.** 102.17 (1) (cg) 1. of the statutes is amended to  
15 read:

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

22 ~~\*-0610/P3.95~~**SECTION 2801.** 102.17 (1) (cg) 2. of the statutes is amended to  
23 read:

24 102.17 (1) (cg) 2. If an applicant who is an individual fails to provide the  
25 applicant's social security number to the department office or if an applicant who is

1 not an individual fails to provide the applicant's federal employer identification  
2 number to the department office, the department office may not issue or renew a  
3 license under par. (c) to or for the applicant unless the applicant is an individual who  
4 does not have a social security number and the applicant submits a statement made  
5 or subscribed under oath or affirmation as required under subd. 2m.

6 \*~~0610/P3.96~~SECTION 2802. 102.17 (1) (cg) 2m. of the statutes is amended to  
7 read:

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

14 \*~~0610/P3.97~~SECTION 2803. 102.17 (1) (cg) 3. of the statutes is amended to  
15 read:

16 102.17 (1) (cg) 3. The ~~department of workforce development~~ office may not  
17 disclose any information received under subd. 1. to any person except to the  
18 department of revenue for the sole purpose of requesting certifications under s.  
19 73.0301, the department of workforce development for the sole purpose of requesting  
20 certifications under s. 108.227, or the department of children and families for  
21 purposes of administering s. 49.22.

22 \*~~0610/P3.98~~SECTION 2804. 102.17 (1) (cm) of the statutes is amended to  
23 read:

24 102.17 (1) (cm) The ~~department of workforce development~~ office shall deny,  
25 suspend, restrict, refuse to renew, or otherwise withhold a license under par. (c) for

**SECTION 2804**

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

11 **\*-0610/P3.99\*SECTION 2805.** 102.17 (1) (cr) of the statutes is amended to read:

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

18 **\*-0610/P3.100\*SECTION 2806.** 102.17 (1) (ct) of the statutes is repealed and  
19 recreated to read:

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

1           \***-0610/P3.101\*SECTION 2807.** 102.17 (1) (d) 1. of the statutes is amended to  
2 read:

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

23           \***-0610/P3.102\*SECTION 2808.** 102.17 (1) (d) 2. of the statutes is amended to  
24 read:

1           102.17 (1) (d) 2. The record of a hospital or sanatorium in this state that is  
2           satisfactory to the ~~department~~ division, established by certificate, affidavit, or  
3           testimony of the supervising officer of the hospital or sanatorium, any other person  
4           having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist,  
5           physician assistant, advanced practice nurse prescriber, or chiropractor to be the  
6           record of the patient in question, and made in the regular course of examination or  
7           treatment of the patient, constitutes prima facie evidence as to the matter contained  
8           in the record, to the extent that the record is otherwise competent and relevant.

9           \***-0610/P3.103**\*SECTION 2809. 102.17 (1) (d) 3. of the statutes is amended to  
10          read:

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

19          \***-0610/P3.104**\*SECTION 2810. 102.17 (1) (d) 4. of the statutes is amended to  
20          read:

21          102.17 (1) (d) 4. A report or record described in subd. 1., 2., or 3. that is admitted  
22          or received into evidence by the ~~department~~ division constitutes substantial  
23          evidence under s. 102.23 (6) as to the matter contained in the report or record.

24          \***-0610/P3.105**\*SECTION 2811. 102.17 (1) (e) of the statutes is amended to read:

1           102.17 (1) (e) ~~The department~~ division may, with or without notice to any party,  
2           cause testimony to be taken, an inspection of the premises where the injury occurred  
3           to be made, or the time books and payrolls of the employer to be examined by any  
4           examiner, and may direct any employee claiming compensation to be examined by  
5           a physician, chiropractor, psychologist, dentist, or podiatrist. The testimony so  
6           taken, and the results of any such inspection or examination, shall be reported to the  
7           ~~department~~ division for its consideration upon final hearing. All ex parte testimony  
8           taken by the ~~department~~ division shall be reduced to writing, and any party shall  
9           have opportunity to rebut that testimony on final hearing.

10           \*~~-0610/P3.106~~\*SECTION 2812. 102.17 (1) (f) of the statutes is amended to read:

11           102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under  
12           this chapter, except as to a witness who is any of the following:

- 13           1. ~~Who is beyond~~ Beyond reach of the subpoena of the ~~department; or~~ division.
- 14           2. ~~Who is about~~ About to go out of the state, not intending to return in time for  
15           the ~~hearing; or~~ hearing.
- 16           3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will  
17           not be able to attend the ~~hearing; or~~ hearing.
- 18           4. ~~Who is a~~ A member of the legislature, if any committee of the ~~same or~~  
19           legislature or of the house of which the witness is a member; is in session, provided  
20           and the witness waives his or her privilege.

21           \*~~-0610/P3.107~~\*SECTION 2813. 102.17 (1) (g) of the statutes is amended to read:

22           102.17 (1) (g) Whenever the testimony presented at any hearing indicates a  
23           dispute or creates a doubt as to the extent or cause of disability or death, the  
24           ~~department~~ division may direct that the injured employee be examined, that an  
25           autopsy be performed, or that an opinion be obtained without examination or

**SECTION 2813**

1 autopsy, by or from an impartial, competent physician, chiropractor, dentist,  
2 psychologist or podiatrist designated by the ~~department~~ division who is not under  
3 contract with or regularly employed by a compensation insurance carrier or  
4 self-insured employer. The expense of the examination, autopsy, or opinion shall be  
5 paid by the employer or, if the employee claims compensation under s. 102.81, from  
6 the uninsured employers fund. The report of the examination, autopsy, or opinion  
7 shall be transmitted in writing to the ~~department~~ division and a copy of the report  
8 shall be furnished by the ~~department~~ division to each party, who shall have an  
9 opportunity to rebut ~~such~~ the report on further hearing.

10 \*~~-0610/P3.108~~\***SECTION 2814.** 102.17 (1) (h) of the statutes is amended to  
11 read:

12 102.17 (1) (h) The contents of certified reports of investigation, made by  
13 industrial safety specialists who are employed, contracted, or otherwise secured by  
14 the ~~department~~ division and who are available for cross-examination, if served upon  
15 the parties 15 days prior to hearing, shall constitute prima facie evidence as to  
16 matter contained in those reports. A report described in this paragraph that is  
17 admitted or received into evidence by the ~~department~~ division constitutes  
18 substantial evidence under s. 102.23 (6) as to the matter contained in the report.

19 \*~~-0610/P3.109~~\***SECTION 2815.** 102.17 (2) of the statutes is amended to read:

20 102.17 (2) If the ~~department shall have~~ division has reason to believe that the  
21 payment of compensation has not been made, ~~it~~ the division may on its own motion  
22 give notice to the parties, in the manner provided for the service of an application,  
23 of a time and place when a hearing will be held for the purpose of determining the  
24 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.  
25 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an



1 application shall ~~attach~~ apply, insofar as ~~the same may be applicable, to a proceeding~~  
2 under this subsection. When the ~~department~~ division schedules a hearing on its own  
3 motion, the ~~department~~ division does not become a party in interest and is not  
4 required to appear at the hearing.

5 **\*-0610/P3.110\*SECTION 2816.** 102.17 (2m) of the statutes is amended to read:

6 102.17 (2m) ~~Any~~ The division or any party, including the department office,  
7 may require any person to produce books, papers, and records at the hearing by  
8 personal service of a subpoena upon the person along with a tender of witness fees  
9 as provided in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena  
10 shall be on a form provided by the ~~department~~ division and shall give the name and  
11 address of the party requesting the subpoena.

12 **\*-0610/P3.111\*SECTION 2817.** 102.17 (2s) of the statutes is amended to read:

13 102.17 (2s) A party's attorney of record may issue a subpoena to compel the  
14 attendance of a witness or the production of evidence. A subpoena issued by an  
15 attorney must be in substantially the same form as provided in s. 805.07 (4) and must  
16 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of  
17 issuance, send a copy of the subpoena to the ~~appeal tribunal~~ hearing examiner or  
18 other representative of the ~~department~~ division responsible for conducting the  
19 proceeding.

20 **\*-0610/P3.112\*SECTION 2818.** 102.17 (7) (b) of the statutes is amended to read:

21 102.17 (7) (b) Except as provided in par. (c), the ~~department~~ division shall  
22 exclude from evidence testimony or certified reports from expert witnesses under  
23 par. (a) offered by the party that raises the issue of loss of earning capacity if that  
24 party failed to notify the ~~department~~ division and the other parties of interest, at  
25 least 60 days before the date of the hearing, of the party's intent to provide the

**SECTION 2818**

1 testimony or reports and of the names of the expert witnesses involved. Except as  
2 provided in par. (c), the ~~department~~ division shall exclude from evidence testimony  
3 or certified reports from expert witnesses under par. (a) offered by a party of interest  
4 in response to the party that raises the issue of loss of earning capacity if the  
5 responding party failed to notify the ~~department~~ division and the other parties of  
6 interest, at least 45 days before the date of the hearing, of the party's intent to provide  
7 the testimony or reports and of the names of the expert witnesses involved.

8 \***-0610/P3.113**\***SECTION 2819.** 102.17 (7) (c) of the statutes is amended to read:

9 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the  
10 ~~department~~ division may receive in evidence testimony or certified reports from  
11 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is  
12 not met if good cause is shown for the delay in providing the notice required under  
13 par. (b) and if no party is prejudiced by the delay.

14 \***-0610/P3.114**\***SECTION 2820.** 102.17 (8) of the statutes is amended to read:

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

1 itemized statement of the medical expenses and incidental compensation under s.  
2 102.42 claimed by the injured employee, unless the department division is satisfied  
3 that there is good cause for the failure to file and serve the itemized statement.

4 \*~~0610/P3.115~~\*SECTION 2821. 102.175 (2) of the statutes is amended to read:

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

13 \*~~0610/P3.116~~\*SECTION 2822. 102.18 (1) (b) of the statutes is amended to read:

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

## SECTION 2822

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

8 \*~~0610/P3.117~~\*SECTION 2823. 102.18 (1) (bg) 1. of the statutes is amended to  
9 read:

10 102.18 (1) (bg) 1. If the ~~department~~ division finds under par. (b) that an insurer  
11 or self-insured employer is liable under this chapter for any health services provided  
12 to an injured employee by a health service provider, but that the reasonableness of  
13 the fee charged by the health service provider is in dispute, the ~~department~~ division  
14 may include in its order under par. (b) a determination made by the office under s.  
15 102.16 (2) as to the reasonableness of the fee or ~~the department, if such a~~  
16 determination has not yet been made, the division may notify, or direct the insurer  
17 or self-insured employer to notify, the health service provider under s. 102.16 (2) (b)  
18 that the reasonableness of the fee is in dispute. ~~The department shall deny payment~~  
19 ~~of a health service fee that the department determines under this subdivision to be~~  
20 ~~unreasonable. An insurer or self-insured employer and a health service provider~~  
21 ~~that are parties to a fee dispute under this subdivision are bound by the department's~~  
22 ~~determination under this subdivision on the reasonableness of the disputed fee,~~  
23 ~~unless that determination is set aside, reversed, or modified by the department~~  
24 ~~under sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial~~  
25 ~~review under s. 102.23.~~

1           \*~~0610/P3.118~~\*SECTION 2824. 102.18 (1) (bg) 2. of the statutes is amended to  
2 read:

3           102.18 (1) (bg) 2. If the ~~department~~ division finds under par. (b) that an  
4 employer or insurance carrier is liable under this chapter for any treatment provided  
5 to an injured employee by a health service provider, but that the necessity of the  
6 treatment is in dispute, the ~~department~~ division may include in its order under par.  
7 (b) a determination made by the office under s. 102.16 (2m) as to the necessity of the  
8 treatment or ~~the department, if such a determination has not yet been made, the~~  
9 division may notify, or direct the employer or insurance carrier to notify, the health  
10 service provider under s. 102.16 (2m) (b) that the necessity of the treatment is in  
11 dispute. ~~Before determining under this subdivision the necessity of treatment~~  
12 ~~provided to an injured employee, the department may, but is not required to, obtain~~  
13 ~~the opinion of an expert selected by the department who is qualified as provided in~~  
14 ~~s. 102.16 (2m) (e). The standards promulgated under s. 102.16 (2m) (g) shall be~~  
15 ~~applied by an expert in rendering an opinion as to, and in determining, necessity of~~  
16 ~~treatment under this subdivision. In cases in which no standards promulgated~~  
17 ~~under s. 102.16 (2m) (g) apply, the department shall find the facts regarding~~  
18 ~~necessity of treatment. The department shall deny payment for any treatment that~~  
19 ~~the department determines under this subdivision to be unnecessary. An insurer or~~  
20 ~~self-insured employer and a health service provider that are parties to a dispute~~  
21 ~~under this subdivision over the necessity of treatment are bound by the department's~~  
22 ~~determination under this subdivision on the necessity of the disputed treatment,~~  
23 ~~unless that determination is set aside, reversed, or modified by the department~~  
24 division ~~under sub. (3) or by the commission under sub. (3) or (4) or is set aside on~~  
25 ~~judicial review under s. 102.23.~~

1           \***-0610/P3.119**\*SECTION 2825. 102.18 (1) (bg) 3. of the statutes is amended to  
2 read:

3           102.18 (1) (bg) 3. If the ~~department~~ division finds under par. (b) that an insurer  
4 or self-insured employer is liable under this chapter for the cost of a prescription  
5 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but  
6 that the reasonableness of the amount charged for that prescription drug is in  
7 dispute, the ~~department~~ division may include in its order under par. (b) a  
8 determination made by the office under s. 102.425 (4m) as to the reasonableness of  
9 the prescription drug charge or ~~the department, if such a determination has not yet~~  
10 been made, the division may notify, or direct the insurer or self-insured employer to  
11 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
12 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
13 dispute. ~~The department shall deny payment of a prescription drug charge that the~~  
14 ~~department determines under this subdivision to be unreasonable. An insurer or~~  
15 ~~self-insured employer and a pharmacist or practitioner that are parties to a dispute~~  
16 ~~under this subdivision over the reasonableness of a prescription drug charge are~~  
17 ~~bound by the department's determination under par. (b) on the reasonableness of the~~  
18 ~~disputed prescription drug charge, unless that determination is set aside, reversed,~~  
19 ~~or modified by the department under sub. (3) or by the commission under sub. (3) or~~  
20 ~~(4) or is set aside on judicial review under s. 102.23.~~

21           \***-0610/P3.120**\*SECTION 2826. 102.18 (1) (bp) of the statutes is amended to  
22 read:

23           102.18 (1) (bp) If the ~~department~~ division determines that the employer or  
24 insurance carrier suspended, terminated, or failed to make payments or failed to  
25 report an injury as a result of malice or bad faith, the ~~department~~ division may

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

14 \*~~0610/P3.121~~\*SECTION 2827. 102.18 (1) (bw) of the statutes is amended to  
15 read:

16 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the  
17 uninsured employers fund pays compensation to an employee in excess of its liability  
18 and another insurer is liable for all or part of the excess payment, the ~~department~~  
19 division may order the insurer ~~or self-insured employer~~ that is liable for that excess  
20 payment to reimburse the insurer or self-insured employer that made the excess  
21 payment or, if applicable, the uninsured employers fund.

22 \*~~0610/P3.122~~\*SECTION 2828. 102.18 (1) (c) of the statutes is amended to read:

23 102.18 (1) (c) If 2 or more examiners have conducted a formal hearing on a claim  
24 and are unable to agree on the order or award to be issued, the decision shall be the  
25 decision of the majority. If the examiners are equally divided on the decision, the

## SECTION 2828

1 ~~department~~ division may appoint an additional examiner who shall review the  
2 record and consult with the other examiners concerning their ~~personal~~ impressions  
3 of the credibility of the evidence. Findings of fact and an order or award may then  
4 be issued by a majority of the examiners.

5 \*~~0610/P3.123~~\*SECTION 2829. 102.18 (1) (e) of the statutes is amended to read:

6 102.18 (1) (e) Except as provided in s. 102.21, if the ~~department~~ division orders  
7 a party to pay an award of compensation, the party shall pay the award no later than  
8 21 days after the date on which the order is electronically delivered to the party or  
9 mailed to the last-known address of the party, unless the party files a petition for  
10 review under sub. (3). This paragraph applies to all awards of compensation ordered  
11 by the ~~department~~ division, whether the award results from a hearing, the default  
12 of a party, or a compromise or stipulation confirmed by the ~~department~~ division.

13 \*~~0610/P3.124~~\*SECTION 2830. 102.18 (2) of the statutes is amended to read:

14 102.18 (2) The ~~department~~ division shall have and maintain on its staff such  
15 examiners as are necessary to hear and decide disputed claims and to assist in the  
16 effective ~~administration of~~ adjudication of disputes under this chapter. ~~These~~ Those  
17 examiners shall be attorneys and may be designated as administrative law judges.  
18 ~~These~~ Those examiners may make findings and orders, and may approve, review, set  
19 aside, modify, or confirm stipulations of settlement or compromises of claims for  
20 compensation.

21 \*~~0610/P3.125~~\*SECTION 2831. 102.18 (3) of the statutes is amended to read:

22 102.18 (3) A party in interest may petition the commission for review of an  
23 examiner's decision awarding or denying compensation if the ~~department~~ division  
24 or commission receives the petition within 21 days after the ~~department~~ division  
25 electronically delivered a copy of the examiner's findings and order to the parties in



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

18 \*~~0610/P3.126~~\*SECTION 2832. 102.18 (4) (b) of the statutes is amended to read:

19 102.18 (4) (b) Within 28 days after a decision of the commission is electronically  
20 delivered to each party in interest or mailed to the last-known address of each party  
21 in interest, the commission may, on its own motion, set aside the decision for further  
22 consideration.

23 \*~~0610/P3.127~~\*SECTION 2833. 102.18 (4) (c) 3. of the statutes is amended to  
24 read:

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

3           \*~~0610/P3.128~~\*SECTION 2834. 102.18 (4) (d) of the statutes is amended to  
4 read:

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

12           \*~~0610/P3.129~~\*SECTION 2835. 102.18 (5) of the statutes is amended to read:

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

24           \*~~0610/P3.130~~\*SECTION 2836. 102.18 (6) of the statutes is amended to read:

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

6           \*-0610/P3.131\*SECTION 2837. 102.19 of the statutes is amended to read:

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

1 consular officer or representative shall make interim reports to the ~~department office~~  
2 as it the office may require.

3 \*~~0610/P3.132~~\*SECTION 2838. 102.195 of the statutes is amended to read:

4 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~  
5 ~~ease~~ If an employee is adjudged ~~insane~~ mentally ill or incompetent, or convicted of  
6 a felony, and is confined in a public institution and has wholly dependent upon the  
7 employee for support a person, whose dependency is determined as if the employee  
8 were deceased, compensation payable during the period of the employee's  
9 confinement may be paid to the employee and the employee's dependents, in such  
10 manner, for such time, and in such amount as the ~~department office~~ by order  
11 provides.

12 \*~~0610/P3.133~~\*SECTION 2839. 102.21 of the statutes is amended to read:

13 **102.21 Payment of awards by municipalities.** Whenever an award is made  
14 ~~by the department~~ under this chapter or s. 66.191, 1981 stats., against any  
15 municipality, the person in whose favor it ~~the award~~ is made shall file a certified copy  
16 thereof of the award with the municipal clerk. ~~Within 20 days thereafter, unless~~  
17 Unless an appeal is taken, ~~such within 20 days after that filing, the municipal clerk~~  
18 shall draw an order on the municipal treasurer for the payment of the award. If upon  
19 appeal ~~such the award is affirmed in whole or in part the, the municipal clerk shall~~  
20 draw an order for payment shall be drawn of the award within 10 days after a  
21 certified copy of ~~such the judgment affirming the award is filed with the proper that~~  
22 clerk. If the award or judgment provides for more than one payment is provided for  
23 in the award or judgment, orders shall be drawn, the municipal clerk shall draw  
24 orders for payment as the payments become due. No statute relating to the filing of  
25 claims against, ~~and or~~ the auditing, allowing, and payment of claims by

1 ~~municipalities shall apply~~, a municipality applies to the payment of an award or  
2 judgment under this section.

3 \*~~0610/P3.134~~\*SECTION 2840. 102.22 (1) of the statutes is amended to read:

4 102.22 (1) If the employer or his or her insurer inexcusably delays in making  
5 the first payment that is due an injured employee for more than 30 days after the ~~day~~  
6 date on which the employee leaves work as a result of an injury and if the amount  
7 due is \$500 or more, the payments as to which the delay is found shall be increased  
8 by ~~10%~~ 10 percent. If the employer or his or her insurer inexcusably delays in making  
9 the first payment that is due an injured employee for more than 14 days after the ~~day~~  
10 date on which the employee leaves work as a result of an injury, the payments as to  
11 which the delay is found may be increased by ~~10%~~ 10 percent. If the employer or his  
12 or her insurer inexcusably delays for any length of time in making any other payment  
13 that is due an injured employee, the payments as to which the delay is found may  
14 be increased by ~~10%~~ 10 percent. ~~Where~~ If the delay is chargeable to the employer  
15 and not to the insurer, s. 102.62 ~~shall apply~~ applies and the relative liability of the  
16 parties shall be fixed and discharged as ~~therein~~ provided in that section. The  
17 ~~department~~ division may also order the employer or insurance carrier to reimburse  
18 the employee for any finance charges, collection charges, or interest ~~which~~ that the  
19 employee paid as a result of the inexcusable delay by the employer or insurance  
20 carrier.

21 \*~~0610/P3.135~~\*SECTION 2841. 102.22 (2) of the statutes is amended to read:

22 102.22 (2) If the ~~sum ordered by the department~~ any sum that the division  
23 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~  
24 10 percent per year. The state is liable for ~~such~~ interest on awards issued against  
25 it under this chapter. The ~~department~~ division has jurisdiction to issue an award for

## SECTION 2841

1 payment of ~~such~~ interest under this subsection at any time within one year of ~~of~~ after  
2 the date of its order; or ~~upon appeal, if the order is appealed, within one year after~~  
3 final court determination. ~~Such interest~~ Interest awarded under this subsection  
4 becomes due from the date the examiner's order becomes final or from the date of a  
5 decision by the labor and industry review commission, whichever is later.

6 \*~~0610/P3.136~~\*SECTION 2842. 102.23 (1) (a) of the statutes is amended to read:

7 102.23 (1) (a) The findings of fact made by the commission acting within its  
8 powers shall, in the absence of fraud, be conclusive. The order or award granting or  
9 denying compensation, either interlocutory or final, whether judgment has been  
10 rendered on it the order or award or not, is subject to review only as provided in this  
11 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order  
12 or award made by the commission either originally or after the filing of a petition for  
13 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby by~~  
14 the order or award may by serving a complaint as provided in par. (b) and filing the  
15 summons and complaint with the clerk of the circuit court commence, in circuit court,  
16 an action against the commission for the review of the order or award, in which action  
17 the adverse party shall also be made a defendant. If the circuit court is satisfied that  
18 a party in interest has been prejudiced because of an exceptional delay in the receipt  
19 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an  
20 action may be commenced by an additional 30 days. The proceedings shall be in the  
21 circuit court of the county where the plaintiff resides, except that if the plaintiff is  
22 a state agency, the proceedings shall be in the circuit court of the county where the  
23 defendant resides. The proceedings may be brought in any circuit court if all parties  
24 stipulate and that court agrees.

25 \*~~0610/P3.137~~\*SECTION 2843. 102.23 (1) (b) of the statutes is amended to read:

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

9           \*~~0610/P3.138~~\*SECTION 2844. 102.23 (2) of the statutes is amended to read:

10           102.23 (2) Upon the trial of any such an action for review of an order or award  
11 the court shall disregard any irregularity or error of the commission or the  
12 ~~department~~ division unless it is made to affirmatively appear that the plaintiff was  
13 ~~damaged thereby by that irregularity or error.~~

14           \*~~0610/P3.139~~\*SECTION 2845. 102.23 (3) of the statutes is amended to read:

15           102.23 (3) The record in any case shall be transmitted to the ~~department~~  
16 division within 5 days after expiration of the time for appeal from the order or  
17 judgment of the court, unless an appeal ~~shall be~~ is taken from such ~~that~~ order or  
18 judgment.

19           \*~~0610/P3.140~~\*SECTION 2846. 102.23 (5) of the statutes is amended to read:

20           102.23 (5) When an action for review involves only the question of liability as  
21 between the employer and one or more insurance companies or as between several  
22 insurance companies, a party that has been ordered by the ~~department~~ division, the  
23 commission, or a court to pay compensation is not relieved from paying compensation  
24 as ordered.

25           \*~~0610/P3.141~~\*SECTION 2847. 102.24 (2) of the statutes is amended to read:

1           102.24 (2) After the commencement of an action to review any order or award  
2 of the commission, the parties may have the record remanded by the court for such  
3 time and under such condition as ~~they~~ the parties may provide, for the purpose of  
4 having the ~~department~~ division act upon the question of approving or disapproving  
5 any settlement or compromise that the parties may desire to have so approved. If  
6 approved, the action shall be at an end and judgment may be entered upon the  
7 approval as upon an award. If not approved, the division shall immediately return  
8 ~~the record shall forthwith be returned~~ to the circuit court and the action shall proceed  
9 as if no remand had been made.

10           \*~~-0610/P3.142~~\*SECTION 2848. 102.25 (1) of the statutes is amended to read:

11           102.25 (1) Any party aggrieved by a judgment entered upon the review of any  
12 order or award may appeal ~~therefrom~~ the judgment within the time period specified  
13 in s. 808.04 (1). A trial court shall may not require the commission or any party to  
14 the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or  
15 secure approval of, a transcript of the notes of the stenographic reporter or the tape  
16 of the recording machine. The state is a party aggrieved under this subsection if a  
17 judgment is entered upon the review confirming any order or award against ~~it~~ the  
18 state. At any time before the case is set down for hearing in the court of appeals or  
19 the supreme court, the parties may have the record remanded by the court to the  
20 ~~department~~ division in the same manner and for the same purposes as provided for  
21 remanding from the circuit court to the ~~department~~ division under s. 102.24 (2).

22           \*~~-0610/P3.143~~\*SECTION 2849. 102.26 (2) of the statutes is amended to read:

23           102.26 (2) Unless previously authorized by the ~~department~~ division, no fee may  
24 be charged or received for the enforcement or collection of any claim for  
25 compensation, nor may any contract for that enforcement or collection be enforceable



1 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that  
2 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim  
3 is compromised or of the amount awarded, adjudged, or collected, except that in cases  
4 of admitted liability in which there is no dispute as to the amount of compensation  
5 due and in which no hearing or appeal is necessary, the fee charged may not exceed  
6 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is  
7 compromised or of the amount awarded, adjudged, or collected. The limitation as to  
8 fees shall apply to the combined charges of attorneys, solicitors, representatives, and  
9 adjusters who knowingly combine their efforts toward the enforcement or collection  
10 of any compensation claim.

11 \*~~0610/P3.144~~\*SECTION 2850. 102.26 (3) (b) 1. of the statutes is amended to  
12 read:

13 102.26 (3) (b) 1. ~~The department may~~ Subject to sub. (2), upon application of  
14 any interested party ~~and subject to sub. (2), the division may~~ fix the fee of the  
15 claimant's attorney or representative and provide in the award for that fee to be paid  
16 directly to the attorney or representative.

17 \*~~0610/P3.145~~\*SECTION 2851. 102.26 (3) (b) 3. of the statutes is amended to  
18 read:

19 102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer  
20 to pay any compensation that is due the claimant by depositing the payment directly  
21 into an account maintained by the claimant at a financial institution. If the insurer  
22 or self-insured employer agrees to the request, the insurer or self-insured employer  
23 may deposit the payment by direct deposit, electronic funds transfer, or any other  
24 money transfer technique approved by the ~~department~~ division. The claimant may

## SECTION 2851

1 revoke a request under this subdivision at any time by providing appropriate written  
2 notice to the insurer or self-insured employer.

3 **\*-0610/P3.146\*SECTION 2852.** 102.26 (4) of the statutes is amended to read:

4 102.26 (4) ~~The charging or receiving of Any attorney or other person who~~  
5 charges or receives any fee in violation of this section shall be unlawful, and the  
6 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the  
7 amount retained by the attorney or other person, ~~the same to which forfeiture shall~~  
8 be collected by the state in an action in debt, upon complaint of the department  
9 division. Out of the sum recovered the court shall direct payment to the injured party  
10 of the amount of the overcharge.

11 **\*-0610/P3.147\*SECTION 2853.** 102.27 (2) (b) of the statutes is amended to read:

12 102.27 (2) (b) If a governmental unit provides public assistance under ch. 49  
13 to pay medical costs or living expenses related to a claim under this chapter and if  
14 the governmental unit has given the parties to the claim written notice stating that  
15 the governmental unit provided the assistance and the cost of that assistance, the  
16 employer or insurance carrier owing compensation shall reimburse that  
17 governmental unit ~~any compensation awarded or paid if the governmental unit has~~  
18 ~~given the parties to the claim written notice stating that it provided the assistance~~  
19 ~~and the cost of the assistance provided.~~ Reimbursement shall equal the lesser of  
20 either for the amount of assistance the governmental unit provided or two-thirds of  
21 the amount of the award or payment remaining after deduction of attorney fees and  
22 any other fees or costs chargeable under ch. 102, whichever is less. The department  
23 office shall comply with this paragraph when making payments under s. 102.81.

24 **\*-0610/P3.148\*SECTION 2854.** 102.28 (2) (a) of the statutes is amended to read:

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

11           \*~~0610/P3.149~~\***SECTION 2855.** 102.28 (2) (b) of the statutes is amended to read:

12           102.28 (2) (b) *Exemption from duty to insure.* The ~~department~~ office may grant  
13 a written order of exemption to an employer who shows its financial ability to pay  
14 the amount of compensation, agrees to report faithfully all compensable injuries, and  
15 agrees to comply with this chapter and the rules of the ~~department~~ office. The  
16 ~~department~~ office may condition the granting of an exemption upon the employer's  
17 furnishing of satisfactory security to guarantee payment of all claims ~~under~~ for  
18 compensation. The ~~department~~ office may require that bonds or other personal  
19 guarantees be enforceable against sureties in the same manner as an award may be  
20 enforced. The ~~department~~ office may from time to time require proof of financial  
21 ability of the employer to pay compensation. Any exemption shall be void if the  
22 application for it contains a financial statement ~~which~~ that is false in any material  
23 respect. An employer who files an application containing a false financial statement  
24 remains subject to par. (a). The ~~department~~ office may promulgate rules establishing  
25 an amount to be charged to an initial applicant for exemption under this paragraph

## SECTION 2855

1 and an annual amount to be charged to employers that have been exempted under  
2 this paragraph.

3 \*~~0610/P3.150~~SECTION 2856. 102.28 (2) (c) of the statutes is amended to read:

4 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the  
5 advice of the self-insurers council, the office may revoke an exemption granted to an  
6 employer under par. (b), upon giving the employer 10 days' written notice, if the  
7 ~~department~~ office finds that the employer's financial condition is inadequate to pay  
8 its employees' claims for compensation, that the employer has received an excessive  
9 number of claims for compensation, or that the employer has failed to discharge  
10 faithfully its obligations according to the agreement contained in the application for  
11 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of  
12 revocation, the employer may request in writing a review of the revocation by the  
13 ~~secretary~~ commissioner or the ~~secretary's~~ commissioner's designee and the ~~secretary~~  
14 commissioner or the ~~secretary's~~ designee shall review the revocation within 30 days  
15 after receipt of the request for review. If the employer is aggrieved by the  
16 determination of the ~~secretary~~ commissioner or the ~~secretary's~~ commissioner's  
17 designee, the employer may, within 10 days after receipt of notice of that  
18 determination, request a hearing under s. 102.17. If the ~~secretary~~ commissioner or  
19 the ~~secretary's~~ commissioner's designee determines that the employer's exemption  
20 should be revoked, the employer shall obtain insurance coverage as required under  
21 par. (a) immediately upon receipt of notice of that determination and,  
22 notwithstanding the pendency of proceedings under ss. 102.17 to 102.25, shall keep  
23 that coverage in force until another exemption under par. (b) is granted.

24 \*~~0610/P3.151~~SECTION 2857. 102.28 (2) (d) of the statutes is amended to  
25 read:

1           102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who  
2       procures after procuring an exemption under par. (b) ~~and thereafter~~ enters into any  
3       agreement for excess insurance coverage with an insurer not authorized to do  
4       business in this state shall report that agreement to the department office  
5       immediately. The placing of such that coverage shall not by itself be grounds for  
6       revocation of the exemption.

7           \*~~-0610/P3.152~~\*SECTION 2858. 102.28 (3) (a) (intro.) of the statutes is amended  
8       to read:

9           102.28 (3) (a) (intro.) An employer may file with the department office an  
10       application for exemption from the duty to pay compensation under this chapter with  
11       respect to any employee who signs the waiver described in subd. 1. and the affidavit  
12       described in subd. 2. if an authorized representative of the religious sect to which the  
13       employee belongs signs the affidavit specified in subd. 3. and the agreement  
14       described in subd. 4. An application for exemption under this paragraph shall  
15       include all of the following:

16           \*~~-0610/P3.153~~\*SECTION 2859. 102.28 (3) (b) (intro.) of the statutes is amended  
17       to read:

18           102.28 (3) (b) (intro.) The department office shall approve an application under  
19       par. (a) if the department office determines that all of the following conditions are  
20       satisfied:

21           \*~~-0610/P3.154~~\*SECTION 2860. 102.28 (3) (b) 3. of the statutes is amended to  
22       read:

23           102.28 (3) (b) 3. The religious sect to which the employee belongs has a  
24       long-established history of providing its members who become dependent on the  
25       religious sect as a result of work-related injuries, and the dependents of those

**SECTION 2860**

1 members, with a standard of living and medical treatment that are reasonable when  
2 compared to the general standard of living and medical treatment for members of the  
3 religious sect. In determining whether the religious sect has a long-standing history  
4 of providing the financial and medical assistance described in this subdivision, the  
5 department office shall presume that a 25-year history of providing that financial  
6 and medical assistance is long-standing for purposes of this subdivision.

7 **\*-0610/P3.155\*SECTION 2861.** 102.28 (3) (c) of the statutes is amended to read:

8 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an  
9 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the  
10 employer would be liable for under s. 102.03, who at the time of the injury was a  
11 member of a religious sect whose authorized representative has filed an affidavit  
12 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury  
13 becomes dependent on the religious sect for financial and medical assistance, or the  
14 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the  
15 religious sect has provided the employee and his or her dependents with a standard  
16 of living and medical treatment that are reasonable when compared to the general  
17 standard of living and medical treatment for members of the religious sect. If, after  
18 hearing, the ~~department~~ division determines that the religious sect has not provided  
19 that standard of living or medical treatment, or both, the ~~department~~ division may  
20 order the religious sect to provide alternative benefits to that employee or his or her  
21 dependent, or both, in an amount that is reasonable under the circumstances, but  
22 not in excess of the benefits that the employee or dependent could have received  
23 under this chapter but for the waiver under par. (a) 1.

24 **\*-0610/P3.156\*SECTION 2862.** 102.28 (3) (d) of the statutes is amended to  
25 read:

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

7           \*~~-0610/P3.157~~\***SECTION 2863.** 102.28 (4) (a) of the statutes is amended to read:

8           102.28 (4) (a) When the ~~department~~ office discovers an uninsured employer,  
9 the ~~department~~ office may order the employer to cease operations until the employer  
10 complies with sub. (2).

11           \*~~-0610/P3.158~~\***SECTION 2864.** 102.28 (4) (b) of the statutes is amended to read:

12           102.28 (4) (b) If the ~~department~~ office believes that an employer may be an  
13 uninsured employer, the ~~department~~ office shall notify the employer of the alleged  
14 violation of sub. (2) and the possibility of closure under this subsection. The employer  
15 may request and shall receive a hearing under s. 102.17 on the matter if the employer  
16 applies for a hearing within 10 days after the notice of the alleged violation is served.

17           \*~~-0610/P3.159~~\***SECTION 2865.** 102.28 (4) (c) of the statutes is amended to read:

18           102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not  
19 requested, the ~~department~~ division may issue an order to an employer to cease  
20 operations on a finding that the employer is an uninsured employer. If no hearing  
21 is requested, the office may issue such an order.

22           \*~~-0610/P3.160~~\***SECTION 2866.** 102.28 (4) (d) of the statutes is amended to

23 read:

## SECTION 2866

1           102.28 (4) (d) The department of justice may bring an action in any court of  
2 competent jurisdiction for an injunction or other remedy to enforce ~~the department's~~  
3 an order to cease operations under par. (c).

4           \*~~0610/P3.161~~\*SECTION 2867. 102.28 (6) of the statutes is amended to read:

5           102.28 (6) REPORTS BY EMPLOYER. ~~Every employer shall upon~~ Upon request of  
6 the ~~department office,~~ an employer shall report to it ~~the office~~ the number of  
7 employees ~~and employed by the employer,~~ the nature of their work ~~and also,~~ the  
8 name of the insurance company with ~~whom~~ which the employer has insured ~~its~~  
9 liability under this chapter, and the policy number and date of expiration of such ~~the~~  
10 policy insuring that liability. Failure to furnish such a report requested under this  
11 subsection within 10 days ~~from the making of a request~~ after the request is sent to  
12 the employer by certified mail ~~shall constitute~~ constitutes presumptive evidence that  
13 the ~~delinquent~~ employer is ~~violating~~ in violation of sub. (2).

14           \*~~0610/P3.162~~\*SECTION 2868. 102.28 (7) (a) of the statutes is amended to read:

15           102.28 (7) (a) If an employer who is currently or was formerly exempted by  
16 ~~written order of the department~~ under sub. (2) is unable to pay an award, judgment  
17 is rendered in accordance with s. 102.20 against that employer, and execution is  
18 levied and returned unsatisfied in whole or in part, payments for the employer's  
19 liability shall be made from the fund established under sub. (8). If a currently or  
20 formerly exempted employer files for bankruptcy and if not less than 60 days after  
21 that filing the ~~department~~ office has reason to believe that compensation payments  
22 due are not being paid, the ~~department~~ office in its discretion may make payment for  
23 the employer's liability from the fund established under sub. (8). The secretary of  
24 administration shall proceed to recover ~~such~~ those payments from the employer or  
25 the employer's receiver or trustee in bankruptcy, and may commence an action or



1 proceeding or file a claim ~~therefor~~ to recover those payments. The attorney general  
2 shall appear on behalf of the secretary of administration in any such action or  
3 proceeding. All moneys recovered in any such action or proceeding shall be paid into  
4 the fund established under sub. (8).

5 \*~~0610/P3.163~~\*SECTION 2869. 102.28 (7) (b) of the statutes is amended to read:

6 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an  
7 employer under sub. (2), the employer exempted by written order of the department  
8 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to  
9 ~~that the amount~~ assessed against each of the other such ~~exempt~~ employers ~~upon the~~  
10 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide  
11 for a sum that is sufficient to secure estimated payments of the insolvent exempt  
12 employer due for the period up to the date of the order and for one year following the  
13 date of the order and to pay the estimated cost of insurance carrier or insurance  
14 service organization services under par. (c). Payments ordered to be made to the fund  
15 shall be paid to the ~~department~~ office within 30 days after the date of the order. If  
16 additional moneys are required, further assessments shall be made based on orders  
17 of the ~~department~~ office with assessment those assessments to be prorated on the  
18 basis of the gross payroll for this state of the exempt employer, as reported to the  
19 department of workforce development for the previous calendar year for  
20 unemployment insurance purposes under ch. 108. If the exempt employer is not  
21 covered under ch. 108, ~~then the department~~ office shall determine the comparable  
22 gross payroll for the exempt employer. If payment of any assessment made under  
23 this subsection paragraph is not made within 30 days ~~of~~ after the date of the order  
24 ~~of the department~~ office, the attorney general may appear on behalf of the state to  
25 collect the assessment.

## SECTION 2870

1           \*~~0610/P3.164~~\*SECTION 2870. 102.28 (7) (c) of the statutes is amended to read:

2           102.28 (7) (c) The ~~department~~ office may retain an insurance carrier or  
3 insurance service organization to process, investigate, and pay valid claims. The  
4 charge for ~~such service~~ those services shall be paid from the fund as provided under  
5 par. (b).

6           \*~~0610/P3.165~~\*SECTION 2871. 102.28 (8) of the statutes is amended to read:

7           102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the  
8 state treasury under sub. (7), together with all accrued interest, shall constitute a  
9 separate nonlapsible fund designated as the self-insured employers liability fund.  
10 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (s)  
11 and may not be used for ~~an~~ any other purpose of the state.

12           \*~~0610/P3.166~~\*SECTION 2872. 102.29 (1) (a) of the statutes is amended to read:

13           102.29 (1) (a) The making of a claim for compensation against an employer or  
14 compensation insurer for the injury or death of an employee ~~shall~~ does not affect the  
15 right of the employee, the employee's personal representative, or other person  
16 entitled to bring action to make a claim or maintain an action in tort against any  
17 other party for ~~such~~ that injury or death, hereinafter referred to as a 3rd party; nor  
18 ~~shall~~ does the making of a claim by any such person against a 3rd party for damages  
19 by reason of an injury to which ss. 102.03 to 102.66 are applicable, or the adjustment  
20 of any such claim, affect the right of the injured employee or the employee's  
21 dependents to recover compensation. An employer or compensation insurer that has  
22 paid or is obligated to pay a lawful claim under this chapter shall have the same right  
23 to make a claim or maintain an action in tort against any other party for ~~such~~ that  
24 injury or death. If the ~~department~~ office pays or is obligated to pay a claim under s.  
25 102.66 (1) or 102.81 (1), the ~~department~~ office shall also have the right to make a

1 claim or maintain an action in tort against any other party for the employee's injury  
2 or death. However, each party shall give to the other parties reasonable notice and,  
3 the opportunity to join in the making of such a claim or the instituting of such an  
4 action, and the opportunity to be represented by counsel.

5 \*~~0610/P3.167~~SECTION 2873. 102.29 (1) (b) (intro.) of the statutes is amended  
6 to read:

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

18 \*~~0610/P3.168~~SECTION 2874. 102.29 (1) (b) 2. of the statutes is amended to  
19 read:

20 102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment  
21 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the  
22 uninsured employers fund or the work injury supplemental benefit fund shall be  
23 reimbursed for all payments made by the employer, insurance carrier, or ~~department~~  
24 office, or ~~which that~~ the employer, insurance carrier, or department office may be  
25 obligated to make in the future, under this chapter, except that the employer,

## SECTION 2874

1 insurance carrier, or ~~department~~ office shall not be reimbursed for any payments  
2 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

3 **\*-0610/P3.169\*SECTION 2875.** 102.29 (1) (c) of the statutes is amended to read:

4 102.29 (1) (c) If both the employee or the employee's personal representative  
5 or other person entitled to bring action, and the employer, compensation insurer, or  
6 ~~department~~ office, join in the pressing of said claim and are represented by counsel,  
7 the attorney fees allowed as a part of the costs of collection shall be, unless otherwise  
8 agreed upon, divided between the attorneys for those parties as directed by the court  
9 or by the ~~department~~ division.

10 **\*-0610/P3.170\*SECTION 2876.** 102.29 (1) (d) of the statutes is amended to  
11 read:

12 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the  
13 settlement and the distribution of the proceeds of the settlement are approved by the  
14 court before whom the action is pending or, if no action is pending, then by a court  
15 of record or by the ~~department~~ division.

16 **\*-0610/P3.171\*SECTION 2877.** 102.29 (4) of the statutes is amended to read:

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

24 **\*-0921/P1.5\*SECTION 2878.** 102.29 (8) of the statutes is amended to read:

1           102.29 (8) No student of a public school, as described in s. 115.01 (1), or a private  
2 school, as defined in s. 115.001 (3r), or an institution of higher education who is  
3 named under s. 102.077 as an employee of the school district, private school, or  
4 institution of higher education for purposes of this chapter and who makes a claim  
5 for compensation under this chapter may make a claim or maintain an action in tort  
6 against the employer that provided the work training or work experience from which  
7 the claim arose.

8           \*~~0610/P3.172~~\*SECTION 2879. 102.30 (7) (a) of the statutes is amended to read:

9           102.30 (7) (a) The department office may order direct reimbursement out of the  
10 proceeds payable under this chapter for payments made under a nonindustrial  
11 insurance policy covering the same disability and expenses compensable under s.  
12 102.42 when the claimant consents or when it is established that the payments under  
13 the nonindustrial insurance policy were improper. No attorney fee is due with  
14 respect to that reimbursement.

15           \*~~0610/P3.173~~\*SECTION 2880. 102.31 (1) (b) of the statutes is amended to read:

16           102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be  
17 construed to grant full coverage of all liability of the assured under this chapter  
18 unless the department office specifically consents by written order to the issuance  
19 of a contract providing divided insurance or partial insurance.

20           \*~~0610/P3.174~~\*SECTION 2881. 102.31 (2) (a) of the statutes is amended to read:

21           102.31 (2) (a) No party to a contract of insurance may cancel the contract within  
22 the contract period or terminate or ~~not renew~~ nonrenew the contract upon the  
23 expiration date of the contract until a notice in writing is given to the other party  
24 fixing the proposed date of cancellation or declaring that the party intends to  
25 terminate or ~~does not intend to renew~~ nonrenew the policy contract upon expiration.

## SECTION 2881

1 Except as provided in par. (b), when an insurance company ~~does not renew~~  
2 nonrenews a policy contract upon expiration, the nonrenewal is not effective until 60  
3 days after the insurance company has given written notice of the nonrenewal to the  
4 insured employer and the ~~department~~ office. Cancellation or termination of a ~~policy~~  
5 contract by an insurance company for any reason other than nonrenewal is not  
6 effective until 30 days after the insurance company has given written notice of the  
7 cancellation or termination to the insured employer and the ~~department~~ office.  
8 Notice to the ~~department~~ office may be given by personal service of the notice upon  
9 the ~~department~~ office at its office in Madison or by sending the notice to the  
10 ~~department~~ office in a medium approved by the ~~department~~ office. The ~~department~~  
11 office may provide by rule that ~~the a~~ notice of cancellation or termination be given  
12 to the Wisconsin compensation rating bureau rather than to the ~~department~~ office  
13 in a medium approved by the ~~department~~ office after consultation with the  
14 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation  
15 rating bureau receives ~~such~~ a notice of cancellation or termination it that bureau  
16 shall immediately notify the ~~department~~ office of the notice of cancellation or  
17 termination..

18 \*~~0610/P3.175~~\*SECTION 2882. 102.31 (3) of the statutes is amended to read:

19 102.31 (3) The ~~department~~ office may examine from time to time the books and  
20 records of any insurer insuring the liability or for compensation for of an employer  
21 in this state. ~~The department may require an insurer to designate one mailing~~  
22 ~~address for use by the department and to respond to correspondence from the~~  
23 ~~department within 30 days as provided in s. 601.42.~~ Any insurer that refuses or fails  
24 to answer correspondence from the department or to allow the department to

1 examine its books and records as required under s. 601.42 is subject to enforcement  
2 proceedings under s. 601.64.

3 ~~\*-0610/P3.176\*~~SECTION 2883. 102.31 (4) of the statutes is amended to read:

4 102.31 (4) If any insurer authorized to transact worker's compensation  
5 insurance in this state fails to promptly pay claims for compensation for which it the  
6 insurer is liable or fails to make reports to the department office required by under  
7 s. 102.38, ~~the department may recommend to the commissioner of insurance, with~~  
8 ~~detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The~~  
9 ~~commissioner shall furnish a copy of the recommendation to the insurer and shall~~  
10 ~~set a date for a hearing, at which both the insurer and the department shall be~~  
11 ~~afforded an opportunity to present evidence. If after the hearing the commissioner~~  
12 ~~finds that the insurer has failed to carry out its obligations under this chapter, the~~  
13 ~~commissioner shall~~ may institute enforcement proceedings under s. 601.64. If the  
14 ~~commissioner does not so find, the commissioner shall dismiss the complaint.~~

15 ~~\*-0610/P3.177\*~~SECTION 2884. 102.31 (5) of the statutes is amended to read:

16 102.31 (5) If any employer whom the department office has exempted from  
17 carrying the duty to carry compensation insurance arbitrarily or unreasonably  
18 refuses employment to or discharges employees an employee because of a  
19 nondisabling physical condition, the department office shall revoke the exemption  
20 of that employer.

21 ~~\*-0610/P3.178\*~~SECTION 2885. 102.31 (6) of the statutes is repealed.

22 ~~\*-0610/P3.179\*~~SECTION 2886. 102.31 (7) of the statutes is amended to read:

23 102.31 (7) If the department office by one or more written orders specifically  
24 consents to the issuance of one or more contracts covering only the liability incurred  
25 on a construction project and if the construction project owner designates the

**SECTION 2886**

1 insurance carrier and pays for each such contract, the construction project owner  
2 shall reimburse the department office for all costs incurred by the department office  
3 in issuing the written orders and in ensuring minimum confusion and maximum  
4 safety on the construction project. All moneys received under this subsection shall  
5 be deposited in the worker's compensation operations fund and credited to the  
6 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (rb).

7 \***-0610/P3.180**\*SECTION 2887. 102.31 (8) of the statutes is amended to read:

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

19 \***-0610/P3.181**\*SECTION 2888. 102.315 (4) of the statutes is amended to read:

20 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company  
21 may insure its liability under sub. (2) by obtaining a master policy that has been  
22 approved by the commissioner of insurance as provided in this subsection. The  
23 commissioner of insurance may approve the issuance of a master policy if the insurer  
24 proposing to issue the master policy submits a filing to the bureau showing that the  
25 insurer has the technological capacity and operation capability to provide to the



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

12 **\*-0610/P3.182\*SECTION 2889.** 102.315 (5) (b) (intro.) of the statutes is  
13 amended to read:

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

18 **\*-0610/P3.183\*SECTION 2890.** 102.315 (5) (c) of the statutes is amended to  
19 read:

20 102.315 (5) (c) Within 30 days after the effective date of coverage of a small  
21 client under a master policy under par. (a), the insurer or, if authorized by the  
22 insurer, the employee leasing company shall file proof of that coverage with the  
23 department office. Coverage of a small client under a master policy becomes binding  
24 when the insurer or employee leasing company files proof of that coverage under this  
25 paragraph or provides notice of coverage to the small client, whichever occurs first.

1 Nothing in this paragraph requires an employee leasing company or an employee of  
2 an employee leasing company to be licensed as an insurance intermediary under ch.  
3 628.

4 **\*-0610/P3.184\*SECTION 2891.** 102.315 (6) (a) of the statutes is amended to  
5 read:

6 102.315 (6) (a) If a client notifies the ~~department~~ office as provided under par.  
7 (b) of its intent to have a divided workforce, an insurer may issue a worker's  
8 compensation insurance policy covering only the leased employees of the client. An  
9 insurer that issues a policy covering only the leased employees of a client is not liable  
10 under s. 102.03 for any compensation payable under this chapter to an employee of  
11 the client who is not a leased employee unless the insurer also issues a policy covering  
12 that employee. A client that has a divided workforce shall insure its employees who  
13 are not leased employees in the voluntary market and may not insure those  
14 employees under the mandatory risk-sharing plan under s. 619.01 unless the leased  
15 employees of the client are covered under that plan.

16 **\*-0610/P3.185\*SECTION 2892.** 102.315 (6) (b) (intro.) of the statutes is  
17 amended to read:

18 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall  
19 notify the ~~department~~ office of that intent on a form prescribed by the ~~department~~  
20 office that includes all of the following:

21 **\*-0610/P3.186\*SECTION 2893.** 102.315 (6) (b) 1. of the statutes is amended to  
22 read:

23 102.315 (6) (b) 1. The names and mailing addresses of the client and the  
24 employee leasing company, the effective date of the employee leasing agreement, a

1 description of the employees of the client who are not leased employees, and such  
2 other information as the department office may require.

3 **\*-0610/P3.187\*SECTION 2894.** 102.315 (6) (b) 3. of the statutes is amended to  
4 read:

5 102.315 (6) (b) 3. An agreement by the client to assume full responsibility to  
6 immediately pay all compensation and other payments payable under this chapter  
7 as may be required by the department office should a dispute arise between 2 or more  
8 insurers as to liability under this chapter for an injury sustained while a divided  
9 workforce plan is in effect, pending final resolution of that dispute. This subdivision  
10 does not preclude a client from insuring that responsibility in an insurer authorized  
11 to do business in this state.

12 **\*-0610/P3.188\*SECTION 2895.** 102.315 (6) (d) of the statutes is amended to  
13 read:

14 102.315 (6) (d) When the department office receives a notification under par.  
15 (b), the department office shall immediately provide a copy of the notification to the  
16 bureau.

17 **\*-0610/P3.189\*SECTION 2896.** 102.315 (6) (e) 1. of the statutes is amended to  
18 read:

19 102.315 (6) (e) 1. If a client intends to terminate a divided workforce plan, the  
20 client shall notify the department office of that intent on a form prescribed by the  
21 department office. Termination of a divided workforce plan by a client is not effective  
22 until 10 days after notice of the termination is received by the department office.

23 **\*-0610/P3.190\*SECTION 2897.** 102.315 (6) (e) 2. of the statutes is amended to  
24 read:

**SECTION 2897**

1           102.315 (6) (e) 2. If an insurer cancels, terminates, or ~~does not renew~~  
2           nonrenews a worker's compensation insurance policy issued under a divided  
3           workforce plan that covers in the voluntary market the employees of a client who are  
4           not leased employees, the divided workforce plan is terminated on the effective date  
5           of the cancellation, termination, or nonrenewal of the policy, unless the client  
6           submits evidence under par. (c) that both the leased employees of the client and the  
7           employees of the client who are not leased employees are covered under a mandatory  
8           risk-sharing plan.

9           \*~~0610/P3.191~~\***SECTION 2898.** 102.315 (6) (e) 3. of the statutes is amended to  
10          read:

11          102.315 (6) (e) 3. If an insurer cancels, terminates, or ~~does not renew~~  
12          nonrenews a worker's compensation insurance policy issued under a divided  
13          workforce plan that covers under the mandatory risk-sharing plan under s. 619.01  
14          the employees of a client who are not leased employees, the divided workforce plan  
15          is terminated on the effective date of the cancellation, termination, or nonrenewal  
16          of the policy.

17          \*~~0610/P3.192~~\***SECTION 2899.** 102.315 (9) (a) of the statutes is amended to  
18          read:

19          102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may  
20          charge a premium for coverage under that policy that complies with the applicable  
21          classifications, rules, rates, and rating plans filed with and approved by the  
22          commissioner of insurance under s. 626.13.

23          \*~~0610/P3.193~~\***SECTION 2900.** 102.315 (10) (a) 2. of the statutes is amended  
24          to read:

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

7           \*~~-0610/P3.194~~\*SECTION 2901. 102.315 (10) (a) 3. of the statutes is amended  
8           to read:

9           102.315 (10) (a) 3. Subject to subd. 4., an insurer may cancel, terminate, or  
10          nonrenew a policy described in subd. 1. by providing written notice of the  
11          cancellation, termination, or nonrenewal to the insured employee leasing company  
12          and to the ~~department~~ office as required under s. 102.31 (2) (a) and by providing that  
13          notice to the insured client. The insurer is not required to state in the notice to the  
14          insured client the facts on which the decision to cancel, terminate, or nonrenew the  
15          policy is based. Except as provided in s. 102.31 (2) (b), cancellation or termination  
16          of a policy under this subdivision for any reason other than nonrenewal is not  
17          effective until 30 days after the insurer has provided written notice of the  
18          cancellation or termination to the insured employee leasing company, the insured  
19          client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal  
20          of a policy under this subdivision is not effective until 60 days after the insurer has  
21          provided written notice of the cancellation or termination to the insured employee  
22          leasing company, the insured client, and the ~~department~~ office.

23          \*~~-0610/P3.195~~\*SECTION 2902. 102.315 (10) (a) 4. of the statutes is amended  
24          to read:

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

13           \*~~-0610/P3.196~~\*SECTION 2903. 102.315 (10) (b) 2. of the statutes is amended  
14 to read:

15           102.315 (10) (b) 2. The insureds under a policy described in subd. 1. may cancel  
16 the policy during the policy period if both the employee leasing company and the  
17 client agree to the cancellation, the cancellation is confirmed by the employee leasing  
18 company promptly providing written confirmation of the cancellation to the client or  
19 by the client agreeing to the cancellation in writing, and the insurer provides written  
20 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

21           \*~~-0610/P3.197~~\*SECTION 2904. 102.315 (10) (b) 3. of the statutes is amended  
22 to read:

23           102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy  
24 described in subd. 1., including cancellation or termination of a policy providing  
25 continued coverage under subd. 4., by providing written notice of the cancellation,

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

11 \*~~0610/P3.198~~**SECTION 2905.** 102.32 (1m) (intro.) of the statutes is amended  
12 to read:

13 102.32 (1m) (intro.) In any case in which compensation payments for an injury  
14 have extended or will extend over 6 months or more after the date of the injury or in  
15 any case in which death benefits are payable, any party in interest may, in the  
16 discretion of the ~~department~~ office, be discharged from, or compelled to guarantee,  
17 future compensation payments by doing any of the following:

18 \*~~0610/P3.199~~**SECTION 2906.** 102.32 (1m) (a) of the statutes is amended to  
19 read:

20 102.32 (1m) (a) Depositing the present value of the total unpaid compensation  
21 upon a 5 percent interest discount basis with a credit union, savings bank, savings  
22 and loan association, bank, or trust company designated by the ~~department~~ office.

23 \*~~0610/P3.200~~**SECTION 2907.** 102.32 (1m) (c) of the statutes is amended to  
24 read:

## SECTION 2907

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

3           \*~~0610/P3.201~~\*SECTION 2908. 102.32 (1m) (d) of the statutes is amended to  
4 read:

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

19           \*~~0610/P3.202~~\*SECTION 2909. 102.32 (5) of the statutes is amended to read:

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



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

3 **\*-0610/P3.203\*SECTION 2910.** 102.32 (6) (b) of the statutes is amended to read:

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

11 **\*-0610/P3.204\*SECTION 2911.** 102.32 (6) (d) of the statutes is amended to read:

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

16 **\*-0610/P3.205\*SECTION 2912.** 102.32 (6) (e) of the statutes is amended to read:

17 102.32 (6) (e) Payments for permanent disability, including payments based on  
18 minimum permanent disability ratings promulgated by the ~~department~~ office by  
19 rule, shall continue on a monthly basis and shall accrue and be payable between  
20 intermittent periods of temporary disability so long as the employer or insurer knows  
21 the nature of the permanent disability.

22 **\*-0610/P3.206\*SECTION 2913.** 102.32 (6m) of the statutes is amended to read:

23 102.32 (6m) The ~~department~~ office may direct an advance on a payment of  
24 unaccrued compensation for permanent disability or death benefits if the  
25 ~~department~~ office determines that the advance payment is in the best interest of the

**SECTION 2913**

1 injured employee or the employee's dependents. In directing the advance, the  
2 department office shall give the employer or the employer's insurer an interest credit  
3 against its liability. The credit shall be computed at 5 percent. An injured employee  
4 or dependent may receive no more than 3 advance payments per calendar year.

5 \*~~0610/P3.207~~\***SECTION 2914.** 102.32 (7) of the statutes is amended to read:

6 102.32 (7) No lump sum settlement shall be allowed in any case of permanent  
7 total disability upon an estimated life expectancy, except upon consent of all parties,  
8 after hearing and finding by the department division that the interests of the injured  
9 employee will be conserved ~~thereby~~ by the lump sum settlement.

10 \*~~0610/P3.208~~\***SECTION 2915.** 102.33 (title) of the statutes is amended to read:

11 **102.33 (title) Department forms Forms and records; public access.**

12 \*~~0610/P3.209~~\***SECTION 2916.** 102.33 (1) of the statutes is amended to read:

13 102.33 (1) The department office and the division shall print and furnish free  
14 to any employer or employee any blank forms that ~~the department considers~~ are  
15 necessary to facilitate efficient administration of this chapter. ~~The department office~~  
16 and the division shall keep any record books or records that ~~the department~~  
17 ~~considers~~ are necessary for the proper and efficient administration of this chapter.

18 \*~~0610/P3.210~~\***SECTION 2917.** 102.33 (2) (a) of the statutes is amended to read:

19 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~  
20 ~~department, and the records of the commission, the office, and the division~~ related  
21 to the administration of this chapter are subject to inspection and copying under s.  
22 19.35 (1).

23 \*~~0610/P3.211~~\***SECTION 2918.** 102.33 (2) (b) (intro.) of the statutes is amended

24 to read: