

State of Wisconsin



2017 Senate Bill 781

Date of enactment: **February 28, 2018**

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2017 WISCONSIN ACT 139

AN ACT *to amend* 102.29 (6) (b) (intro.), 102.29 (6) (b) 3., 102.29 (6) (c) (intro.), 102.29 (6) (c) 2., 102.29 (6m) (a) (intro.), 102.29 (6m) (a) 3., 102.29 (6m) (b) (intro.), 102.29 (6m) (b) 2., 102.29 (7), 102.29 (8), 102.29 (8m), 102.29 (8r), 102.29 (10), 102.29 (11) and 102.29 (12) of the statutes; **relating to:** actions against certain third parties by injured employees under the worker's compensation law.

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

SECTION 1. 102.29 (6) (b) (intro.) of the statutes is amended to read:

102.29 (6) (b) (intro.) No employee of a temporary help agency who ~~makes~~ has the right to make a claim for compensation may make a claim or maintain an action in tort against any of the following:

SECTION 2. 102.29 (6) (b) 3. of the statutes is amended to read:

102.29 (6) (b) 3. Any employee of that compensating employer or of that other temporary help agency, unless the employee who ~~makes~~ has the right to make a claim for compensation would have a right under s. 102.03 (2) to bring an action against the employee of the compensating employer or the employee of the other temporary help agency if the employees were coemployees.

SECTION 3. 102.29 (6) (c) (intro.) of the statutes is amended to read:

102.29 (6) (c) (intro.) No employee of an employer that compensates a temporary help agency for another employee's services who ~~makes~~ has the right to make a claim for compensation may make a claim or maintain an action in tort against any of the following:

SECTION 4. 102.29 (6) (c) 2. of the statutes is amended to read:

102.29 (6) (c) 2. Any employee of the temporary help agency, unless the employee who ~~makes~~ has the right to make a claim for compensation would have a right under s. 102.03 (2) to bring an action against the employee of the temporary help agency if the employees were coemployees.

SECTION 5. 102.29 (6m) (a) (intro.) of the statutes is amended to read:

102.29 (6m) (a) (intro.) No leased employee, as defined in s. 102.315 (1) (g), who ~~makes~~ has the right to make a claim for compensation may make a claim or maintain an action in tort against any of the following:

SECTION 6. 102.29 (6m) (a) 3. of the statutes is amended to read:

102.29 (6m) (a) 3. Any employee of the client or of that other employee leasing company, unless the leased employee who ~~makes~~ has the right to make a claim for compensation would have a right under s. 102.03 (2) to bring an action against the employee of the client or the leased employee of the other employee leasing company if the employees and leased employees were coemployees.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 7. 102.29 (6m) (b) (intro.) of the statutes is amended to read:

102.29 (6m) (b) (intro.) No employee of a client who ~~makes~~ has the right to make a claim for compensation may make a claim or maintain an action in tort against any of the following:

SECTION 8. 102.29 (6m) (b) 2. of the statutes is amended to read:

102.29 (6m) (b) 2. Any leased employee of the employee leasing company, unless the employee who ~~makes~~ has the right to make a claim for compensation would have a right under s. 102.03 (2) to bring an action against the leased employee if the employee and the leased employee were coemployees.

SECTION 9. 102.29 (7) of the statutes is amended to read:

102.29 (7) No employee who is loaned by his or her employer to another employer and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who accepted the loaned employee's services.

SECTION 10. 102.29 (8) of the statutes is amended to read:

102.29 (8) No student of a public school, a private school, or an institution of higher education who is named under s. 102.077 as an employee of the school district, private school, or institution of higher education for purposes of this chapter and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer that provided the work training or work experience from which the claim arose.

SECTION 11. 102.29 (8m) of the statutes is amended to read:

102.29 (8m) No participant in a community service job under s. 49.147 (4) or a transitional placement under s. 49.147 (5) who, under s. 49.147 (4) (c) or (5) (c), is provided worker's compensation coverage by a Wisconsin works agency, as defined under s. 49.001 (9), and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who provided the community service job or transitional placement from which the claim arose.

SECTION 12. 102.29 (8r) of the statutes is amended to read:

102.29 (8r) No participant in a food stamp employment and training program under s. 49.79 (9) who, under s. 49.79 (9) (a) 5., is provided worker's compensation

coverage by the department of health services or by a Wisconsin Works agency, as defined in s. 49.001 (9), or other provider under contract with the department of health services or a county department under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp employment and training program and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who provided the employment and training from which the claim arose.

SECTION 13. 102.29 (10) of the statutes is amended to read:

102.29 (10) A practitioner who, under s. 257.03, is considered an employee of the state for purposes of worker's compensation coverage while providing services on behalf of a health care facility, the department of health services, or a local health department during a state of emergency and who ~~makes~~ has the right to make a claim for compensation under this chapter may not make a claim or maintain an action in tort against the health care facility, department, or local health department that accepted those services.

SECTION 14. 102.29 (11) of the statutes is amended to read:

102.29 (11) No security officer employed by the department of military affairs who is deputed under s. 59.26 (4m), who remains an employee of the state for purposes of worker's compensation coverage while conducting routine external security checks around military installations in this state, and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or bring an action in tort against the county in which the security officer is conducting routine external security checks or against the sheriff or undersheriff who deputed the security officer.

SECTION 15. 102.29 (12) of the statutes is amended to read:

102.29 (12) No individual who is an employee of an entity described in s. 102.07 (20) for purposes of this chapter and who ~~makes~~ has the right to make a claim for compensation under this chapter may make a claim or maintain an action in tort against the person described in s. 102.07 (20) who received the services from which the claim arose.

SECTION 16. Initial applicability.

(1) THIRD-PARTY LIABILITY. This act first applies to claims for worker's compensation made or civil tort claims filed on the effective date of this subsection.