

State of Wisconsin



2021 Senate Bill 703

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 102.07 (8) (a); and *to create* 73.03 (77), 102.07 (8) (bs), 104.01 (5k), 104.013, 108.02 (12) (cm), 109.01 (2m) and 109.013 of the statutes; **relating to:** classification of motor vehicle operators as independent contractors or employees.

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

SECTION 1. 73.03 (77) of the statutes is created to read:

73.03 (77) To not consider the deployment, implementation, or use of a motor carrier safety improvement, as defined in s. 102.07 (8) (bs) 1., in determining whether the operator of a motor vehicle is an employee for the administration of the income and franchise taxes imposed under ch. 71, to the extent that such a determination does not conflict with the federal Internal Revenue Code.

SECTION 2. 102.07 (8) (a) of the statutes is amended to read:

102.07 (8) (a) Except as provided in pars. (b) and ~~(bm)~~ to (bs), every independent contractor is, for the purpose of this chapter, an employee of any employer under this chapter for whom he or she is performing service in the course of the trade, business, profession or occupation of such employer at the time of the injury.

SECTION 3. 102.07 (8) (bs) of the statutes is created to read:

102.07 (8) (bs) 1. In this paragraph, "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program, or practice intended and primarily used to improve or

facilitate compliance by a motor carrier, as defined in 49 CFR 390.5, with federal or state laws that govern any of the following:

- a. Traffic safety or motor carrier safety.
- b. The safety of motor vehicles.
- c. The safety of operators of motor vehicles.
- d. The safety of other users of highways.

2. The deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, as defined in s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not evidence that an operator of a motor vehicle does not meet the conditions of par. (b).

SECTION 4. 104.01 (5k) of the statutes is created to read:

104.01 (5k) "Motor carrier safety improvement" has the meaning given in s. 102.07 (8) (bs) 1.

SECTION 5. 104.013 of the statutes is created to read:

104.013 Certain motor vehicle operators excluded. For purposes of this chapter, the deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, as defined in s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not evidence that an individual is an employee of a motor carrier.

SECTION 6. 108.02 (12) (cm) of the statutes is created to read:

* 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."

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108.02 (12) (cm) 1. In this paragraph, “motor carrier safety improvement” has the meaning given in s. 102.07 (8) (bs) 1.

2. The deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, as defined in s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not evidence of control or direction by an employing unit for purposes of pars. (bm) and (c).

SECTION 7. 109.01 (2m) of the statutes is created to read:

109.01 (2m) “Motor carrier safety improvement” has the meaning given in s. 102.07 (8) (bs) 1.

SECTION 8. 109.013 of the statutes is created to read:

109.013 Certain motor vehicle operators excluded. For purposes of this chapter, the deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, as defined in s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not evidence that an individual is an employee of a motor carrier.

