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**SENATE FILE** 0228,

**SENATE FILE 0227**

Introduced by: Charles H. Scott

[illegible]

**CONTINUED ON BACK**

SF0228SS1/A

Page 1-line 2 Delete "paragraphs" and insert "paragraph";  
delete "and (xxii)".

Page 1-line 6 Delete "definitions" and insert "a  
definition".

Page 1-line 10 Delete "paragraphs" and insert "paragraph";  
delete "and (xxii)".

Page 2-lines 7 through 16 Delete entirely.

Page 2-line 17 Delete "(xxii)" and insert "(xxi)".

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-STAFFORD

SF0228SW1/A

Delete the Standing Committee Amendment (SF0228SS1/A)  
entirely. -STAFFORD

House of Intro  
 \_\_\_\_\_ To Com No. \_\_\_\_\_  
 \_\_\_\_\_ Stand Report Do \_\_\_\_\_ Amd \_\_\_\_\_ Not \_\_\_\_\_  
 \_\_\_\_\_ Com Whole Do \_\_\_\_\_ Amd \_\_\_\_\_ Not \_\_\_\_\_  
 \_\_\_\_\_ 2nd Reading Amd \_\_\_\_\_  
 \_\_\_\_\_ 3rd Reading Amd \_\_\_\_\_ Pass \_\_\_\_\_ Fail \_\_\_\_\_

Second House  
 \_\_\_\_\_ To Com No. \_\_\_\_\_  
 \_\_\_\_\_ Stand Report Do \_\_\_\_\_ Amd \_\_\_\_\_ Not \_\_\_\_\_  
 \_\_\_\_\_ Com Whole Do \_\_\_\_\_ Amd \_\_\_\_\_ Not \_\_\_\_\_  
 \_\_\_\_\_ 2nd Reading Amd \_\_\_\_\_  
 \_\_\_\_\_ 3rd Reading Amd \_\_\_\_\_ Pass \_\_\_\_\_ Fail \_\_\_\_\_

1983

STATE OF WYOMING

83LSO-0736.01

SENATE FILE NO. 0228

Worker's compensation-coemployee liability.

Sponsored by: Senator(s) SCOTT

*Charles H. Scott*

A BILL

for

1 AN ACT to amend W.S. 27-12-102(a)(xx) and by creating new  
 2 paragraphs (xxi) and (xxii) and 27-12-103(a) relating to  
 3 worker's compensation; providing for the liability of any  
 4 coemployee acting within the scope of employment and caus-  
 5 ing injury to an employee because of willful and wanton  
 6 misconduct; providing definitions; and providing for an  
 7 effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 27-12-102(a)(xx) and by creating new  
 10 paragraphs (xxi) and (xxii) and 27-12-103(a) are amended

1 to read:

2 27-12-102. Definitions.

3 (a) As used in this act:

4 (xx) "Person" means an individual, partner-  
5 ship, corporation, association, or public or private  
6 entity;

7 (xxi) "WILLFUL AND WANTON MISCONDUCT" MEANS  
8 HIGHLY UNREASONABLE CONDUCT OR AN EXTREME DEPARTURE FROM  
9 ORDINARY CARE IN A SITUATION WHERE A HIGH DEGREE OF DANGER  
10 IS APPARENT. THE INTENT IN WILLFUL AND WANTON MISCONDUCT  
11 IS NOT TO CAUSE INJURY BUT TO DO OR NOT TO DO AN ACT IN  
12 RECKLESS DISREGARD OF THE CONSEQUENCES AND UNDER SUCH  
13 CIRCUMSTANCES AND CONDITIONS THAT A REASONABLE INDIVIDUAL  
14 WOULD KNOW OR HAVE REASON TO KNOW THAT THIS CONDUCT WOULD,  
15 WITH A HIGH DEGREE OF PROBABILITY, RESULT IN SUBSTANTIAL  
16 HARM TO ANOTHER;

17 (xxii) "THIS ACT" MEANS W.S. 27-12-101 THROUGH  
18 27-12-804.

19 27-12-103. Exclusive remedy as to employer; nonlia-  
20 bility of coemployees; no relief from liability; rights as  
21 to delinquent or noncontributing employer.

1           (a) The rights and remedies provided in this act for  
2     an employee and his dependents for injuries incurred in  
3     extrahazardous ~~employments~~ EMPLOYMENT are in lieu of all  
4     other rights and remedies against any employer making con-  
5     tributions required by this act, or his employees acting  
6     within the scope of their employment unless the employees  
7     ~~are--culpably--negligent,--but~~ THROUGH THEIR WILLFUL AND  
8     WANTON MISCONDUCT PROXIMATELY CAUSE THE INJURIES. THEY do  
9     not supersede any rights and remedies available to an  
10    employee and his dependents against any other person.

11           Section 2. This act is effective May 27, 1983.

12 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

According to a spokesman for the Workers' Compensation Division, "This proposed bill would have no direct fiscal impact on the Division insofar as personnel and administration are concerned."