

WORKING DRAFT

SENATE FILE NO. _____

Workers' compensation co-employee immunity.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to worker's compensation; clarifying the
2 tort immunity of co-employees as specified; specifying
3 legislative intent; specifying applicability; and providing
4 for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 27-14-104(a) is amended to read:

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10 **27-14-104. Exclusive remedy as to employer;**
11 **nonliability of co-employees; no relief from liability;**
12 **rights as to delinquent or noncontributing employer.**

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14 (a) The rights and remedies provided in this act for
15 an employee including any joint employee, and his

1 dependents for injuries incurred in extrahazardous
2 employments are in lieu of all other rights and remedies
3 against any employer and any joint employer making
4 contributions required by this act, or their employees
5 acting within the scope of their employment unless the
6 employees ~~intentionally act~~ intended to cause physical harm
7 or injury to the injured employee, but do not supersede any
8 rights and remedies available to an employee and his
9 dependents against any other person. The co-employee
10 immunity provided by this section shall immunize co-
11 employees for all workplace injuries except those specified
12 and co-employees shall not be liable for workplace injuries
13 upon any other cause of action or theory of recovery,
14 including but not limited to negligence, gross negligence,
15 culpable negligence, recklessness and willful and wanton
16 misconduct.

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18 **Section 2.** It is the intent of the legislature in
19 passing this act to change the effect of the holding in the
20 Wyoming Supreme Court decision in *Bertagnolli v.*
21 *Louderback*, 2003 WY 50, 67 P.3d 627 (2003) and provide that
22 co-employee liability shall be limited as provided by this
23 act.

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1 **Section 3.** This act shall apply to injuries occurring
2 on or after July 1, 2007.

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4 **Section 4.** This act is effective July 1, 2007.

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6

(END)