

WORKING DRAFT

SENATE FILE NO. _____

Workers' compensation subrogation limits.

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

A BILL

for

1 AN ACT relating to worker's compensation; amending the
2 subrogation rights of the state when an injured worker
3 recovers money from a third party because of the injury;
4 and providing 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. 27-14-105(a) is amended to read:

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10 **27-14-105. Action against third party; notice;**
11 **subrogation; legal representation; payment under**
12 **reservation of rights; actions by department.**

13

14 (a) If an employee covered by this act receives an
15 injury under circumstances creating a legal liability in

1 some person other than the employer to pay damages, the
2 employee if engaged in work for his employer at the time of
3 the injury is not deprived of any compensation to which he
4 is entitled under this act. He may also pursue his remedy
5 at law against the third party or the coemployee to the
6 extent permitted by W.S. 27-14-104(a). Except as provided
7 by subsections (b), (e) and (f) of this section, if the
8 employee recovers from the third party or the coemployee in
9 any manner including judgment, compromise, settlement or
10 release, the state is entitled to be reimbursed for all
11 payments made, or to be made, to or on behalf of the
12 employee under this act but not to exceed ~~one-third (1/3)~~
13 two-thirds (2/3) of the total proceeds of the recovery
14 without regard to the types of damages alleged in the
15 third-party action. All money received by the state under
16 this section shall be credited to the worker's compensation
17 account and considered in computing the employer's
18 experience rating.

19

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

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(END)