

WORKING DRAFT

SENATE FILE NO. _____

Workers' compensation co-employee insurance.

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

A BILL

for

1 AN ACT relating to worker's compensation; providing that
2 worker's compensation coverage for fellow employees shall
3 be optional; providing for determination of fellow employee
4 coverage premium by the worker's compensation division;
5 providing for election of fellow employee coverage, as
6 specified; and providing for an effective date.

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

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10 **Section 1.** W.S. 27-14-104(a) and 27-14-201 by
11 creating a new subsection (u) are amended to read:

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13 **27-14-104. Exclusive remedy as to employer;**
14 **nonliability of co-employees; no relief from liability;**
15 **rights as to delinquent or noncontributing employer.**

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2 (a) The rights and remedies provided in this act for
3 an employee including any joint employee, and his
4 dependents for injuries incurred in extrahazardous
5 employments are in lieu of all other rights and remedies
6 against any employer and any joint employer making
7 contributions required by this act, or, if the employer has
8 elected fellow employee coverage pursuant to W.S. 27-14-
9 201(u), their employees acting within the scope of their
10 employment ~~unless the employees intentionally act to cause~~
11 ~~physical harm or injury to the injured employee~~ to the
12 extent provided in W.S. 27-14-201(u), but do not supersede
13 any rights and remedies available to an employee and his
14 dependents against any other person.

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16 **27-14-201. Rates and classifications; rate surcharge.**

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18 (u) The division in determining rates pursuant to
19 this section shall separately determine optional rates for
20 employers electing fellow employee coverage as provided in
21 this subsection and W.S. 27-14-104(a). An employer may
22 elect optional fellow employee coverage for the subsequent
23 rate year by written notice to the division received no
24 later than July 1 of the prior year. An election of fellow

1 employee coverage shall be for all of an employer's
2 employees and shall be an irrevocable election for the
3 applicable rate year. Optional fellow employee coverage
4 shall be limited to one million dollars (\$1,000,000.00) in
5 damages per incident. For purposes of this act, "fellow
6 employee coverage" means indemnity for actual damages to an
7 employee for which a fellow employee is liable as a result
8 of the fellow employee's acts within the scope of
9 employment, excluding acts constituting criminal conduct.

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11 **Section 2.** This act is effective July 1, 2007.

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(END)