

HOUSE BILL NO. HB0046

Workers' compensation coemployee 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 coemployees 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 coemployees; 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
16 dependents for injuries incurred in extrahazardous

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

16
17 **Section 2.** It is the intent of the legislature in
18 passing this act to change the effect of the holding in the
19 Wyoming Supreme Court decision in *Bertagnolli v.*
20 *Louderback*, 2003 WY 50, 67 P.3d 627 (2003) and provide that
21 coemployee liability shall be limited as provided by this
22 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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(END)