



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1355/1
GMM:amn

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 501**

December 18, 2015 - Offered by Representative SPIROS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 19, line 20: delete lines 20 to 23 and substitute:

3 **“102.127 False representations as to physical condition.** A false
4 representation as to an employee’s physical condition made by the employee prior to
5 the commencement of employment bars the recovery of all compensation payable
6 under this chapter for an injury to the employee if all of the following apply:”.

7 **2.** Page 20, line 4: after that line insert:

8 **“(4)** The physical condition falsely represented was reasonably related to the
9 employee’s ability to adequately undertake the job-related responsibilities of the
10 employee’s employment.”.

11 **3.** Page 44, line 16: delete the material beginning with that line and ending
12 with page 45, line 5, and substitute:

1 “SECTION 70d. 102.58 of the statutes, as affected by 2015 Wisconsin Act 55, is
2 amended to read:

3 **102.58 Decreased compensation.** If injury is caused by the failure of the
4 employee to use safety devices that are provided in accordance with any statute, rule,
5 or order of the department of safety and professional services and that are
6 adequately maintained, and the use of which is reasonably enforced by the employer,
7 or if injury results from the employee’s failure to obey any reasonable rule adopted
8 and reasonably enforced by the employer for the safety of the employee and of which
9 the employee has notice, or if injury results from the intoxication of the employee by
10 alcohol beverages, as defined in s. 125.02 (1), or use of a controlled substance, as
11 defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m),
12 the compensation and death benefit provided in this chapter shall be reduced by 15
13 percent but the total reduction may not exceed \$15,000. If an employee violates the
14 employer’s policy concerning employee drug or alcohol use and is injured, and if that
15 violation is causal to the employee’s injury, no compensation or death benefits shall
16 be payable to the injured employee or a dependent of the injured employee. Nothing
17 in this section shall reduce or eliminate an employer’s liability for incidental
18 compensation under ss. 102.42 (1) to (8) or drug treatment under s. 102.425.”

19

(END)