



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4946/1  
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## 2021 SENATE BILL 703

November 19, 2021 - Introduced by Senators COWLES, BALLWEG and WANGGAARD, cosponsored by Representatives SPIROS, ARMSTRONG, AUGUST, MACCO, STEFFEN and KNODL. Referred to Committee on Transportation and Local Government.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to amend* 102.07 (8) (a); and *to create* 73.03 (75), 102.07 (8) (bs), 104.01  
2           (5k), 104.013, 108.02 (12) (cm), 109.01 (2m) and 109.013 of the statutes;  
3           **relating to:** classification of motor vehicle operators as independent  
4           contractors or employees.

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***Analysis by the Legislative Reference Bureau***

This bill provides that, for the purposes of the worker's compensation law, the unemployment insurance law, the minimum wage law, the administration of income and franchise taxes, and wage claims, the fact that the operator of a motor vehicle for a motor carrier deploys, implements, or uses a motor carrier safety improvement is not evidence that the operator is an employee rather than an independent contractor.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5           **SECTION 1.** 73.03 (75) of the statutes is created to read:  
6           73.03 (75) To not consider the deployment, implementation, or use of a motor  
7           carrier safety improvement, as defined in s. 102.07 (8) (bs) 1., in determining whether

**SENATE BILL 703****SECTION 1**

1 the operator of a motor vehicle is an employee for the administration of the income  
2 and franchise taxes imposed under ch. 71, to the extent that such a determination  
3 does not conflict with the federal Internal Revenue Code.

4 **SECTION 2.** 102.07 (8) (a) of the statutes is amended to read:

5 102.07 (8) (a) Except as provided in pars. (b) and ~~(bm)~~ (bs), every  
6 independent contractor is, for the purpose of this chapter, an employee of any  
7 employer under this chapter for whom he or she is performing service in the course  
8 of the trade, business, profession or occupation of such employer at the time of the  
9 injury.

10 **SECTION 3.** 102.07 (8) (bs) of the statutes is created to read:

11 102.07 (8) (bs) 1. In this paragraph, “motor carrier safety improvement” means  
12 any device, equipment, software, technology, procedure, training, policy, program, or  
13 practice intended and primarily used to improve or facilitate compliance with federal  
14 or state laws that govern any of the following:

- 15 a. Traffic safety or motor carrier safety.  
16 b. The safety of motor vehicles.  
17 c. The safety of operators of motor vehicles.  
18 d. The safety of other users of highways.

19 2. The deployment, implementation, or use of a motor carrier safety  
20 improvement by or as required by a motor carrier or its related entity, as defined in  
21 s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not  
22 evidence that an operator of a motor vehicle does not meet the conditions of par. (b).

23 **SECTION 4.** 104.01 (5k) of the statutes is created to read:

24 104.01 (5k) “Motor carrier safety improvement” has the meaning given in s.  
25 102.07 (8) (bs) 1.

**SENATE BILL 703**

1           **SECTION 5.** 104.013 of the statutes is created to read:

2           **104.013 Certain motor vehicle operators excluded.** For purposes of this  
3 chapter, the deployment, implementation, or use of a motor carrier safety  
4 improvement by or as required by a motor carrier or its related entity, as defined in  
5 s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not  
6 evidence that an individual is an employee of a motor carrier.

7           **SECTION 6.** 108.02 (12) (cm) of the statutes is created to read:

8           108.02 (12) (cm) 1. In this paragraph, “motor carrier safety improvement” has  
9 the meaning given in s. 102.07 (8) (bs) 1.

10           2. The deployment, implementation, or use of a motor carrier safety  
11 improvement by or as required by a motor carrier or its related entity, as defined in  
12 s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not  
13 evidence of control or direction by an employing unit for purposes of pars. (bm) and  
14 (c).

15           **SECTION 7.** 109.01 (2m) of the statutes is created to read:

16           109.01 (2m) “Motor carrier safety improvement” has the meaning given in s.  
17 102.07 (8) (bs) 1.

18           **SECTION 8.** 109.013 of the statutes is created to read:

19           **109.013 Certain motor vehicle operators excluded.** For purposes of this  
20 chapter, the deployment, implementation, or use of a motor carrier safety  
21 improvement by or as required by a motor carrier or its related entity, as defined in  
22 s. 71.22 (9am), including by contract, or by the operator of a motor vehicle is not  
23 evidence that an individual is an employee of a motor carrier.

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(END)