

HOUSE BILL NO. HB0240

Workplace safety.

Sponsored by: Representative(s) Blake and Throne and
Senator(s) Hastert

A BILL

for

1 AN ACT relating to the Wyoming Occupational Health and
2 Safety Act; providing for an increase in fines and civil
3 penalties as specified; providing for periodic adjustment
4 of civil penalties; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 27-11-107(b) through (d), (f), (g)
9 and by creating a new subsection (j) is amended to read:

10

11 **27-11-107. Penalty.**

12

13 (b) Any employer willfully and knowingly violating
14 any of the provisions of this act, any safety and health
15 standards, rules or regulations promulgated under this act
16 or any existing rule or regulation governing the conditions

1 of employment promulgated by the commission may be assessed
2 a civil penalty of not less than ~~five thousand dollars~~
3 ~~(\$5,000.00)~~ eight thousand dollars (\$8,000.00) nor more
4 than ~~seventy thousand dollars (\$70,000.00)~~ one hundred
5 twenty thousand dollars (\$120,000.00) for each violation,
6 provided that a lesser penalty may be imposed by the
7 commission. If the violation causes the death of an
8 employee, the civil penalty amounts shall be increased to
9 not less than fifty thousand dollars (\$50,000.00) nor more
10 than two hundred fifty thousand dollars (\$250,000.00) for
11 the violation, except that for an employer with twenty-five
12 (25) or fewer employees the minimum penalty shall not be
13 less than twenty-five thousand dollars (\$25,000.00) for the
14 violation.

15
16 (c) Any employer violating any provision of this act,
17 any health and safety standards or rules and regulations
18 promulgated under this act or any existing rule or
19 regulation governing the conditions of employment
20 promulgated by the commission, the violation specifically
21 determined to be of a serious nature, shall be assessed a
22 civil penalty of not more than ~~seven thousand dollars~~
23 ~~(\$7,000.00)~~ twelve thousand dollars (\$12,000.00) for the
24 violation. If the violation causes the death of an

1 employee, the civil penalty amounts shall be increased to
2 not less than twenty thousand dollars (\$20,000.00) nor more
3 than fifty thousand dollars (\$50,000.00) for the violation,
4 except that for an employer with twenty-five (25) or fewer
5 employees the minimum penalty shall not be less than ten
6 thousand dollars (\$10,000.00) for the violation.

7
8 (d) Any employer violating any provision of this act,
9 any health and safety standards or rules and regulations
10 promulgated under this act or any existing rule or
11 regulation governing the conditions of employment
12 promulgated by the commission, the violation determined not
13 to be of a serious nature, may be assessed a civil penalty
14 of not more than ~~seven thousand dollars (\$7,000.00)~~ twelve
15 thousand dollars (\$12,000.00) for each offense as noted in
16 the notice of violation. If the violation causes the death
17 of an employee, the civil penalty amounts shall be
18 increased to not less than twenty thousand dollars
19 (\$20,000.00) nor more than fifty thousand dollars
20 (\$50,000.00) for the violation, except that for an employer
21 with twenty-five (25) or fewer employees the minimum
22 penalty shall not be less than ten thousand dollars
23 (\$10,000.00) for the violation.

24

1 (f) Any employer who violates any of the posting
2 requirements, as prescribed under the provisions of this
3 act, may be assessed a civil penalty of up to ~~seven~~
4 ~~thousand dollars (\$7,000.00)~~ twelve thousand dollars
5 (\$12,000.00) for each violation.

6
7 (g) Any employer who fails to correct a violation for
8 which a notice of violation has been issued, which notice
9 of violation is not contested or appealed under W.S.
10 27-11-104 and 27-11-106, initiated by the employer, may be
11 assessed a civil penalty of not more than ~~seven thousand~~
12 ~~dollars (\$7,000.00)~~ twelve thousand dollars (\$12,000.00)
13 for each day the failure or violation continues. If the
14 violation causes the death of an employee, the civil
15 penalty amounts shall be increased to not less than twenty
16 thousand dollars (\$20,000.00) nor more than fifty thousand
17 dollars (\$50,000.00) for the violation, except that for an
18 employer with twenty-five (25) or fewer employees the
19 minimum penalty shall not be less than ten thousand dollars
20 (\$10,000.00) for the violation.

21
22 (j) Amounts provided under this section for civil
23 penalties shall be adjusted by the commission at least once
24 during each four (4) year period beginning July 1, 2011 to

1 account for the percentage increase or decrease in the
2 consumer price index for all urban consumers during that
3 period.

4

5 **Section 2.** This act is effective July 1, 2011.

6

7

(END)