

SENATE FILE NO. SF0167

Worker's compensation-rate discount, modification & credit.

Sponsored by: Senator(s) Bebout and Perkins and  
Representative(s) Barlow, Harshman, Miller,  
Sweeney and Walters

A BILL

for

1 AN ACT relating to worker's compensation; modifying the  
2 rate discount for compliance with a drug and alcohol  
3 testing program as specified; providing for an experience  
4 modification rate for out of state employers moving  
5 operations to Wyoming as specified; providing a premium  
6 credit for employers as specified; providing for  
7 rulemaking; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 27-14-201(o) (intro) and 27-14-207 by  
12 creating a new subsection (h) and by amending and  
13 renumbering (h) as (j) are amended to read:

14

15 **27-14-201. Rates and classifications; rate surcharge.**

1

2 (o) The division shall in accordance with its rules  
3 and regulations, grant a discount to rates established  
4 under this section in an amount not to exceed ten percent  
5 (10%) of the base rate for the employment classification of  
6 any employer if the employer complies with a safety program  
7 approved by the division and a discount in an amount not to  
8 exceed ~~five percent (5%)~~ ten percent (10%) of the base rate  
9 for the employment classification if the employer complies  
10 with a drug and alcohol testing program approved by the  
11 division and a discount in an amount not to exceed ten  
12 percent (10%) of the base rate for the employment  
13 classification if the employer complies with a health and  
14 safety consultation program developed by the department of  
15 workforce services in consultation with the occupational  
16 health and safety commission. In no instance shall the sum  
17 total of discounts under this subsection exceed ~~twenty-five~~  
18 ~~percent (25%)~~ thirty percent (30%) of the base rate for the  
19 employment classification for the employer. The discount  
20 for the health and safety consultation program shall only  
21 remain in effect for three (3) years after the employer is  
22 certified to be in compliance with the health and safety  
23 consultation program recommendations. In determining safety

1 program approval, drug and alcohol program approval, health  
2 and safety consultation program approval and the total  
3 discount granted under this subsection, the division shall  
4 consider:

5

6 **27-14-207. Employer registration required; person**  
7 **acquiring trade of another employer; transfer of experience**  
8 **and assignment of rates; out of state employers.**

9

10 (h) Where an employer has not had prior operations in  
11 Wyoming and has not had prior worker's compensation  
12 insurance coverage in Wyoming, and moves or expands  
13 operations from another state into Wyoming, and begins  
14 operations that are the same or similar to operations  
15 outside of Wyoming, the division shall assign the employer  
16 experience modification rate as calculated per the current  
17 experience modification rating formula in place at the  
18 time. The division shall assign such experience  
19 modification to the partial year ending June 30 after the  
20 start of coverage in Wyoming and to the first full policy  
21 year subsequent to the start of coverage in Wyoming.

22

1       ~~(h)~~(j) The division by rule and regulation shall  
2 establish procedures to identify the transfer or  
3 acquisition of a business, or the movement of an out of  
4 state operation to Wyoming, for purposes of this section  
5 and W.S. 27-14-806. The division may require by regulation  
6 an out of state employer to submit any information  
7 necessary for the purpose of determining an experience  
8 modification rate under subsection (h) of this section.

9  
10       **Section 2.** Pursuant to W.S. 27-14-201(q) the  
11 department shall establish a premium credit for any  
12 employer who has made all required worker's compensation  
13 payments for the period beginning January 1, 2016 and  
14 ending December 31, 2016. To qualify for the credit, an  
15 employer shall be in good standing with the division for  
16 all required worker's compensation payments by June 15,  
17 2017. Premium credits granted under this paragraph shall  
18 become effective on August 1, 2017 and may be used for  
19 premium reporting periods from July 1, 2017 through  
20 December 31, 2017. Any unused credit will expire January  
21 31, 2018.

22  
23       **Section 3.**

1

2 (a) Section 1 of this act is effective July 1, 2017.

3

4 (b) Section 2 of this act is effective immediately  
5 upon completion of all acts necessary for a bill to become  
6 law as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

8

9

(END)