

ORIGINAL SENATE
FILE NO. SF0167

ENROLLED ACT NO. 54, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

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

(o) The division shall in accordance with its rules and regulations, grant a discount to rates established under this section in an amount not to exceed ten percent (10%) of the base rate for the employment classification of any employer if the employer complies with a safety program approved by the division and a discount in an amount not to exceed ~~five percent (5%)~~ ten percent (10%) of the base rate for the employment classification if the employer complies with a drug and alcohol testing program approved by the division and a discount in an amount not to exceed ten percent (10%) of the base rate for the employment classification if the employer complies with a health and safety consultation program developed by the department of workforce services in consultation with the occupational health and safety commission. In no instance shall the sum total of discounts under this subsection exceed ~~twenty-five percent (25%)~~ thirty percent (30%) of the base rate for the employment classification for the employer. The discount for the health and safety consultation program shall only

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remain in effect for three (3) years after the employer is certified to be in compliance with the health and safety consultation program recommendations. In determining safety program approval, drug and alcohol program approval, health and safety consultation program approval and the total discount granted under this subsection, the division shall consider:

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

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

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

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

Section 3.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk