

HOUSE BILL NO. HB0039

Workers compensation amendments.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Worker's Compensation Act;
2 authorizing elective coverage for corporate officers,
3 limited liability company members, partners and sole
4 proprietors as specified; amending premium tax eligibility
5 and distribution criteria; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 27-14-102(a)(vii)(B), 27-14-108(k),
11 27-14-201(q)(intro), by creating a new paragraph (iii) and
12 27-14-205(c) are amended to read:

13

14 **27-14-102. Definitions.**

15

16 (a) As used in this act:

1

2 (vii) "Employee" means any person engaged in any
3 extrahazardous employment under any appointment, contract
4 of hire or apprenticeship, express or implied, oral or
5 written, and includes legally employed minors, aliens
6 authorized to work by the United States department of
7 justice, office of citizenship and immigration services,
8 and aliens whom the employer reasonably believes, at the
9 date of hire and the date of injury based upon
10 documentation in the employer's possession, to be
11 authorized to work by the United States department of
12 justice, office of citizenship and immigration services.
13 "Employee" does not include:

14

15 (B) A sole proprietor or a partner of a
16 business partnership unless coverage is elected pursuant to
17 W.S. 27-14-108(k);

18

19 **27-14-108. Extrahazardous industries, employments,**
20 **occupations; enumeration; definitions; optional coverage.**

21 (k) Any corporation, or limited liability company,
22 ~~employing individuals covered pursuant to subsections (a)~~
23 ~~or (j) of this section~~ partnership or sole proprietorship
24 may elect to obtain coverage under this act for any or all

1 of its corporate officers, ~~or~~ limited liability company
2 members, partners in a partnership or sole proprietor by
3 ~~electing to cover any or all of its officers or members~~
4 ~~and~~ notifying the division in writing of its election upon
5 initial registration with the division, or thirty (30) days
6 prior to the beginning of a calendar quarter.
7 Notwithstanding subsection (j) of this section, an employer
8 shall not withdraw coverage at any time during the
9 subsequent eight (8) calendar quarters. Application for
10 termination of coverage under this subsection shall be
11 filed in writing with the division ~~not less than thirty~~
12 ~~(30) days before any calendar quarter~~ following the initial
13 eight (8) calendar quarters of coverage. Termination of
14 coverage shall be effective the first day of the month
15 following the division's receipt of the notice of
16 termination.

17

18 **27-14-201. Rates and classifications; rate surcharge.**

19

20 (q) The division may, in accordance with its rules
21 and regulations, grant a premium credit to rates
22 established under this section ~~in an amount not to exceed~~
23 ~~fifty percent (50%) of the investment earnings after~~
24 ~~inflation on reserves for the prior rate year. Of the~~

1 ~~total amount of premium credit distribution established by~~
2 ~~the division, fifty percent (50%) shall be distributed to~~
3 ~~all employers who made premium payments to the fund in the~~
4 ~~preceding year and fifty percent (50%) shall be distributed~~
5 ~~to employers whose accident frequency and injury severity~~
6 ~~in the preceding year was less than that of the industry~~
7 ~~classification under which the employer is classified. The~~
8 ~~fifty percent (50%) distribution to all employers who made~~
9 ~~premium payments shall be made on the basis of each~~
10 ~~employer's annual premium payment as compared to total~~
11 ~~premium payments made by all employers in the year~~
12 ~~preceding the year in which the premium credit was issued.~~
13 if it is determined by a qualified actuary retained by the
14 division that the fund can be expected to remain fully
15 reserved, as defined in W.S. 27-14-201(e)(vii)(A), after
16 the premium credit is granted and implemented. If the
17 division determines to grant a premium credit, the
18 percentage of credit allowed for the rate year shall be the
19 same for all employers. The following provisions shall
20 also apply to the premium credit program:

21

22 (iii) The premium credit, if granted, shall only
23 be given to those employers who paid premium during the
24 preceding year and whose accounts are current on all

1 amounts owed under the act, including premiums, case cost
2 liability, interest and penalties.

3

4 **27-14-205. State contributions; presumed pay of**
5 **specified employees.**

6

7 (c) For purposes of determining employer
8 contributions under this act for officers of a corporation,
9 ~~or~~ members of a limited liability company, partners in a
10 partnership or a sole proprietor electing coverage under
11 W.S. 27-14-108(k), rates shall be applied for each officer
12 or member covered under this act against the statewide
13 average wage for the preceding twelve (12) month period as
14 determined under W.S. 27-14-802(b).

15

16 **Section 2.** This act is effective July 1, 2008.

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(END)