

HOUSE BILL NO. HB0273

Duty owed to employees of independent contractors.

Sponsored by: Representative(s) Gingery, Bagby, Meyer and
Zwonitzer, Dn. and Senator(s) Ross

A BILL

for

1 AN ACT relating to duties of care; defining the duties of
2 worksite owners; and providing for an effective date.

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

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6 **Section 1.** W.S. 1-1-131 is created to read:

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8 **1-1-131. Duties of worksite owners.**

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10 (a) An owner of a worksite owes a nondelegable duty
11 of reasonable care to an employee of an independent
12 contractor if the owner retains the right to direct the
13 manner of the independent contractor's performance or
14 assumes affirmative duties with respect to safety. This
15 duty is a question of law that can arise from statute,
16 regulations, contract and common law. Contracts, statutes,

1 regulations or common law which call for an owner to
2 exercise reasonable diligence having regard for the health
3 and safety of workmen or employees create a duty of
4 reasonable care.

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6 (b) No contract, rule, regulation, agreement or
7 device shall operate to relieve a worksite owner from any
8 duty established in subsection (a) of this section.

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10 (c) For purposes of this section, "owner of a
11 worksite" shall mean the person who has the right to
12 control the workplace.

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14 **Section 2.** This act is effective July 1, 2009.

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(END)