

SENATE FILE NO. SF0135

Misclassification of employees-penalty.

Sponsored by: Senator(s) Hastert, Case and Craft and
Representative(s) Byrd, Dayton and Petroff

A BILL

for

1 AN ACT relating to workers' compensation and unemployment;
2 clarifying penalties for misclassification of employees;
3 and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 27-3-703(a) and 27-14-510(d) (intro)
8 are amended to read:

9

10 **27-3-703. Fraud by employing unit; refusal to furnish**
11 **reports; failure to make required payments; failure to**
12 **comply with injunction order; penalties.**

13

14 (a) No officer, agent or any other individual of an
15 employing unit shall knowingly make a false statement or

1 misrepresentation, including knowingly failing to properly
2 classify an individual as an employee, or knowingly fail to
3 disclose a material fact with the intention of preventing
4 or reducing the payment of benefits to any entitled
5 individual, to avoid being subject to this act or to avoid
6 or reduce any contribution or other payment required from
7 an employing unit under this act, or willfully fail or
8 refuse to make any contribution or other payment. Any such
9 individual violating this subsection is guilty of a
10 misdemeanor punishable by imprisonment for not more than
11 ninety (90) days, a fine of not more than seven hundred
12 fifty dollars (\$750.00), or both. Each false statement,
13 misrepresentation, failure to properly classify an
14 individual as an employee or failure to disclose a material
15 fact is a separate offense.

16

17 **27-14-510. Misrepresentations or false statements;**
18 **failure of employer to establish account or furnish payroll**
19 **report.**

20

21 (d) Any employer who knowingly fails to establish an
22 account or knowingly fails to furnish a payroll report,
23 including knowingly failing to properly classify an

1 individual as an employee, as required by this act is
2 guilty of:

3

4 **Section 2.** This act is effective July 1, 2015.

5

6 (END)