

SENATE FILE NO. SF0061

Occupational Health and Safety Act-civil penalties.

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

A BILL

for

1 AN ACT relating to labor and employment; providing for
2 penalties for certain violations of the Wyoming
3 Occupational Health and Safety Act to be set by rule and
4 regulation; granting rulemaking authority; and providing
5 for effective dates.

6

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

8

9 **Section 1.** W.S. 27-11-107(b) through (d), (f), (g)
10 and by creating a new subsection (j) is amended to read:

11

12 **27-11-107. Penalty.**

13

14 (b) Any employer willfully and knowingly violating
15 any of the provisions of this act, any safety and health

1 standards, rules or regulations promulgated under this act
2 or any existing rule or regulation governing the conditions
3 of employment promulgated by the commission may be assessed
4 a civil penalty ~~of not less than five thousand dollars~~
5 ~~(\$5,000.00) nor more than seventy thousand dollars~~
6 ~~(\$70,000.00) for each violation, provided that a lesser~~
7 ~~penalty may be imposed by the commission~~ in an amount
8 determined by the commission pursuant to subsection (j) of
9 this section for each violation.

10
11 (c) Any employer violating any provision of this act,
12 any health and safety standards or rules and regulations
13 promulgated under this act or any existing rule or
14 regulation governing the conditions of employment
15 promulgated by the commission, the violation specifically
16 determined to be of a serious nature, shall be assessed a
17 civil penalty ~~of not more than seven thousand dollars~~
18 ~~(\$7,000.00) for the violation~~ in an amount determined by
19 the commission pursuant to subsection (j) of this section.

20
21 (d) Any employer violating any provision of this act,
22 any health and safety standards or rules and regulations
23 promulgated under this act or any existing rule or

1 regulation governing the conditions of employment
2 promulgated by the commission, the violation determined not
3 to be of a serious nature, may be assessed a civil penalty
4 ~~of not more than seven thousand dollars (\$7,000.00)~~ in an
5 amount determined by the commission pursuant to subsection
6 (j) of this section for each offense as noted in the notice
7 of violation.

8
9 (f) Any employer who violates any of the posting
10 requirements, as prescribed under the provisions of this
11 act, may be assessed a civil penalty ~~of up to seven~~
12 ~~thousand dollars (\$7,000.00)~~ in an amount determined by the
13 commission pursuant to subsection (j) of this section for
14 each violation.

15
16 (g) Any employer who fails to correct a violation for
17 which a notice of violation has been issued, which notice
18 of violation is not contested or appealed under W.S.
19 27-11-104 and 27-11-106, initiated by the employer, may be
20 assessed a civil penalty ~~of not more than seven thousand~~
21 ~~dollars (\$7,000.00)~~ in an amount determined by the
22 commission pursuant to subsection (j) of this section for
23 each day the failure or violation continues.

1
2 (j) Unless otherwise specified in this section, the
3 commission shall through rule and regulation set the civil
4 penalty amounts to be imposed under subsections (b) through
5 (d), (f) and (g) of this section. The amount of the civil
6 penalty shall be no greater than the corresponding federal
7 penalty for the specified violation as promulgated under
8 the Occupational Safety and Health Act, 29 U.S.C. § 666,
9 and shall include any adjustments made to the penalty under
10 the Federal Civil Penalties Inflation Adjustment Act
11 Improvements Act of 2015, 28 U.S.C. § 2461.
12

13 **Section 2.** The occupational health and safety
14 commission may exercise its authority to develop and
15 promulgate the rules required by this act, upon the
16 effective date of this section.
17

18 **Section 3**
19

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

1

(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2016.

4

5 (END)