

HOUSE BILL NO. HB0236

OSHA penalties-3.

Sponsored by: Representative(s) Throne and Senator(s) Craft

A BILL

for

1 AN ACT relating to the Wyoming Occupational Health and
 2 Safety Act; providing for an increase in fines and civil
 3 penalties as specified; authorizing actions to enforce
 4 penalties and enjoin employers as specified; and providing
 5 for an effective date.

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

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9 **Section 1.** W.S. 27-11-105(a) by creating a new
 10 paragraph (xvii) and (b)(ii)(C) and 27-11-107(b), (c) and
 11 (g) are amended to read:

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13 **27-11-105. Occupational health and safety commission;**
 14 **powers and duties of commission and department.**

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1 (a) The department, in consultation with the
2 commission, has the powers and is hereby charged with the
3 duties:

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5 (xvii) To bring an action to enforce any lawful
6 orders and collect any unpaid penalties against an employer
7 failing to pay penalties as required by this act. The
8 employer may also be enjoined by the department from
9 engaging or continuing in business subject to this act
10 until required payments are made and the employer otherwise
11 complies with this act. All costs of the action including a
12 reasonable attorney fee shall be paid by the employer
13 against which the enforcement or injunction action is
14 brought.

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16 (b) The commission has the following powers and
17 duties:

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19 (ii) To promulgate, devise, formulate, adopt,
20 amend, and repeal rules and regulations and to appoint
21 advisory committees equally composed of employers and
22 employees from the industries involved to assist and advise
23 the commission:

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(C) The rules and regulations shall not be more stringent than corresponding federal rules and regulations, except where specifically required by this act. If there are no corresponding federal rules or regulations the commission may adopt applicable state rules and regulations.

27-11-107. Penalty.

(b) Any employer willfully and knowingly violating any of the provisions of this act, any safety and health standards, rules or regulations promulgated under this act or any existing rule or regulation governing the conditions of employment promulgated by the commission may be assessed a civil penalty of not less than ~~five thousand dollars (\$5,000.00)~~ twelve thousand dollars (\$12,000.00) nor more than ~~seventy thousand dollars (\$70,000.00)~~ one hundred thousand dollars (\$100,000.00) for each violation, provided that a lesser penalty may be imposed by the commission. If the violation causes the death of an employee, the civil penalty amounts shall be increased to not less than fifty thousand dollars (\$50,000.00) nor more than two hundred

1 fifty thousand dollars (\$250,000.00) for the violation,
2 except that for an employer with twenty-five (25) or fewer
3 employees the minimum penalty shall not be less than
4 twenty-five thousand dollars (\$25,000.00) for the
5 violation.

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7 (c) Any employer violating any provision of this act,
8 any health and safety standards or rules and regulations
9 promulgated under this act or any existing rule or
10 regulation governing the conditions of employment
11 promulgated by the commission, the violation specifically
12 determined to be of a serious nature, shall be assessed a
13 civil penalty of not more than ~~seven thousand dollars~~
14 ~~(\$7,000.00)~~ twelve thousand dollars (\$12,000.00) for the
15 violation. If the violation causes the death of an
16 employee, the civil penalty amounts shall be increased to
17 not less than twenty thousand dollars (\$20,000.00) nor more
18 than fifty thousand dollars (\$50,000.00) for the violation,
19 except that for an employer with twenty-five (25) or fewer
20 employees the minimum penalty shall not be less than ten
21 thousand dollars (\$10,000.00) for the violation.

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1 (g) Any employer who fails to correct a violation for
2 which a notice of violation has been issued, which notice
3 of violation is not contested or appealed under W.S.
4 27-11-104 and 27-11-106, initiated by the employer, may be
5 assessed a civil penalty of not more than ~~seven thousand~~
6 ~~dollars (\$7,000.00)~~ twelve thousand dollars (\$12,000.00)
7 for each day the failure or violation continues. If the
8 violation causes the death of an employee, the civil
9 penalty amounts shall be increased to not less than twenty
10 thousand dollars (\$20,000.00) nor more than fifty thousand
11 dollars (\$50,000.00) for the violation, except that for an
12 employer with twenty-five (25) or fewer employees the
13 minimum penalty shall not be less than ten thousand dollars
14 (\$10,000.00) for the violation.

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

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(END)