

SENATE FILE NO. SF0072

OSHA penalties-2.

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

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; granting authority to negotiate  
4 installment payment of penalties; and providing for an  
5 effective date.

6

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

8

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

12

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

15

1           (b) The commission has the following powers and  
2 duties:

3  
4           (ii) To promulgate, devise, formulate, adopt,  
5 amend, and repeal rules and regulations and to appoint  
6 advisory committees equally composed of employers and  
7 employees from the industries involved to assist and advise  
8 the commission:

9  
10           (C) The rules and regulations shall not be  
11 more stringent than corresponding federal rules and  
12 regulations, except where specifically required by this  
13 act. If there are no corresponding federal rules or  
14 regulations the commission may adopt applicable state rules  
15 and regulations.

16

17           **27-11-107. Penalty.**

18

19           (b) Any employer willfully and knowingly violating  
20 any of the provisions of this act, any safety and health  
21 standards, rules or regulations promulgated under this act  
22 or any existing rule or regulation governing the conditions  
23 of employment promulgated by the commission may be assessed

1 a civil penalty of not less than ~~five thousand dollars~~  
2 ~~(\$5,000.00)~~ twelve thousand dollars (\$12,000.00) nor more  
3 than ~~seventy thousand dollars (\$70,000.00)~~ one hundred  
4 thousand dollars (\$100,000.00) for each violation, provided  
5 that a lesser penalty may be imposed by the commission.

6

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.

16

17 (g) Any employer who fails to correct a violation for  
18 which a notice of violation has been issued, which notice  
19 of violation is not contested or appealed under W.S.  
20 27-11-104 and 27-11-106, initiated by the employer, may be  
21 assessed a civil penalty of not more than ~~seven thousand~~  
22 ~~dollars (\$7,000.00)~~ twelve thousand dollars (\$12,000.00)  
23 for each day the failure or violation continues.

1

2 (j) Any employer willfully and knowingly committing a  
3 violation of any health and safety standards under  
4 subsection (b), (c) or (g) of this section, or rules and  
5 regulations promulgated under those subsections, which  
6 materially contributes to causing the death of an employee  
7 shall be assessed, in addition to any fine or civil penalty  
8 otherwise provided for the violation, an additional civil  
9 penalty of up to fifty thousand dollars (\$50,000.00),  
10 subject to the following:

11

12 (i) The additional penalty may be increased to  
13 not more than two hundred fifty thousand dollars  
14 (\$250,000.00) for an employer with two hundred fifty (250)  
15 or more employees;

16

17 (ii) If the commission issues a valid citation  
18 and penalty assessment to an entity other than the employer  
19 for a safety violation that materially contributes to the  
20 death of a person, that entity shall be assessed an  
21 additional civil penalty of up to fifty thousand dollars  
22 (\$50,000.00). This penalty shall be separate from and in

1 addition to any penalty assessed against the employer or  
2 its parent or subsidiary;

3  
4 (iii) The commission may waive or reduce the  
5 penalty provided by this subsection only if:

6  
7 (A) The deceased employee owns ten percent  
8 (10%) or more of the employing entity and the imposition of  
9 the penalty would pose a financial hardship on the  
10 employee's family or other dependents; or

11  
12 (B) The employer or the owner of the  
13 employer is a natural person who is also killed or severely  
14 injured as a result of the violation that materially  
15 contributed to the death of the employee and the imposition  
16 of the penalty would pose a financial hardship on the  
17 employer's family or dependents.

18  
19 (iv) If the penalties assessed pursuant to this  
20 section threaten the financial solvency of the violator or  
21 impair the violator's ability to implement needed safety  
22 measures, the department may negotiate a payment plan to

1 collect the full penalties due over a time period not to  
2 exceed five (5) years.

3

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

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6

(END)