

HOUSE BILL NO. HB0168

Experience ratings-amendments.

Sponsored by: Representative(s) Larsen, L and Wylie and  
Senator(s) Pappas

A BILL

for

1 AN ACT relating to labor and employment; prohibiting the  
2 request of experience ratings as specified; amending  
3 provisions related to experience rating chargeability;  
4 providing definitions; making conforming amendments;  
5 requiring rulemaking; specifying applicability; and  
6 providing for an effective date.

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

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10 **Section 1.** W.S. 27-14-208 is created to read:

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12 **27-14-208. Experience ratings; prohibition;**  
13 **penalties; definitions.**

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1           (a) As used in this section, "experience rating"  
2 means a rating procedure used by the division to set  
3 worker's compensation premiums that utilizes the past  
4 claims experience of an employer to forecast future losses  
5 associated with that specific employer. For purposes of  
6 this subsection, the calculation of the rating includes  
7 calculations where the employer's claims experience is  
8 measured against the claims experience of employers in the  
9 same classification, producing a prospective premium  
10 credit, debit or unity modification. For purposes of  
11 employment, "experience rating" shall not be considered a  
12 reflection of an employer's safety record.

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14           (b) Except for litigation purposes and for actions by  
15 the division related to the operation of the worker's  
16 compensation system, the following actions are prohibited:

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18                   (i) Requesting a person's experience rating for  
19 the purpose of determining the person's employment safety  
20 record;

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22                   (ii) Regarding any construction project taking  
23 place in this state, requesting an experience rating in

1 order to obtain the safety record of any contractor or  
2 supplier, regardless of whether the contractor or supplier  
3 is domiciled within the state.

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5 **Section 2.** W.S. 27-14-201(d) and by creating an new  
6 subsection (w) is amended to read:

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8 **27-14-201. Rates and classifications; rate surcharge.**

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10 (d) In addition, the plan of rating shall use an  
11 experience rating system based on three (3) years claim  
12 experience, or as much thereof as is available, for  
13 employers enrolled under it. This system shall reward  
14 employers with a better than average claim experience,  
15 penalize employers with a worse than average claim  
16 experience and may provide for premium volume discount so  
17 long as the account remains actuarially sound. Discounts  
18 from or penalties added to base employment classification  
19 rates because of claim experience shall not exceed  
20 sixty-five percent (65%) for rates through calendar year  
21 2016 and shall not exceed eighty-five percent (85%) for  
22 rates beginning with calendar year 2017. ~~An employer who is~~  
23 ~~current on premium payments required by this act may apply~~

1 ~~to the division for a determination of experience~~  
2 ~~modification rating chargeability for an injury to the~~  
3 ~~employer's employee. The division's determination of~~  
4 ~~chargeability shall be reviewable as provided in W.S.~~  
5 ~~27-14-601(k)(iii) and (iv). If the division, by a~~  
6 ~~preponderance of the evidence, determines that an~~  
7 ~~employee's injury was primarily caused by a third party,~~  
8 ~~the injury shall not be charged to the employer's account.~~  
9 ~~The employer shall bear the burden of proof in any action~~  
10 ~~brought by the employer for a chargeability determination.~~  
11 ~~If an employer's account is determined to be unchargeable~~  
12 ~~under this subsection, the employer's account shall not be~~  
13 ~~further credited upon recovery from a third party by the~~  
14 ~~division. The division shall by rule and regulation~~  
15 ~~establish necessary procedures for a determination of~~  
16 ~~chargeability. Any determination by the division regarding~~  
17 ~~causation of an injury pursuant to this subsection shall be~~  
18 ~~used only for ratemaking purposes and shall not be~~  
19 ~~admissible in any civil litigation regarding the injury.~~

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21 (w) The division shall make a determination of  
22 experience rating chargeability within fifteen (15) days of  
23 the filing of a report of injury or within forty-five (45)

1 days after the division's issuance of a request for  
2 additional information, if the additional information is  
3 provided in a timely manner. The division's determination  
4 of chargeability shall be reviewable as provided by W.S.  
5 27-14-601(k)(iii) and (iv). If the division determines that  
6 an employee's injury was primarily caused by a third party,  
7 the injury shall not be charged to the employer's account.  
8 If an employer's account is determined to be unchargeable  
9 under this subsection, the employer's account shall not be  
10 further credited upon recovery from a third party by the  
11 division. If a written request for hearing on the issue of  
12 chargeability is not filed within fifteen (15) days of a  
13 determination of chargeability, and information not  
14 available at the time of the initial chargeability  
15 determination shows that an employee's injury was primarily  
16 caused by a third party, an employer who is current on  
17 premium payments required by this act may apply to the  
18 division for a redetermination of experience rating  
19 chargeability for an injury to the employer's employee not  
20 more than one (1) year after the date of an original  
21 determination. The employer shall bear the burden of proof  
22 in any action brought by the employer for a chargeability  
23 determination. The division shall promulgate rules to

1 establish necessary procedures for a determination of  
2 chargeability. Any determination by the division regarding  
3 causation of an injury pursuant to this section shall be  
4 used only for ratemaking purposes and shall not be  
5 admissible in any civil litigation regarding the injury.

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7       **Section 3.** This act shall not be construed to impair  
8 any contract or agreement involving experience ratings  
9 entered into before July 1, 2026.

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11       **Section 4.** This act is effective July 1, 2026.

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(END)