

HOUSE BILL NO. HB0084

Worker's compensation-delinquent employers.

Sponsored by: Representative(s) Barlow, Larsen and Sweeney
and Senator(s) Von Flatern

A BILL

for

1 AN ACT relating to labor and employment; providing for the
2 discretionary recovery of delinquent worker's compensation
3 payments by civil action; providing for the recovery of
4 delinquent payments through installment agreements as
5 specified; modifying the interest rate for delinquent
6 premiums; and providing for an effective date.

7

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

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10 **Section 1.** W.S. 27-14-203(a), (c), (d), (f) and by
11 creating new subsections (j) and (k) is amended to read:

12

13 **27-14-203. Failure of employer to make payments;**
14 **interest; lien; injunction; nonexclusive remedies.**

15

1 (a) Any employer not applying for coverage of
2 eligible employees or, after obtaining coverage under this
3 act, any employer failing, neglecting or refusing to make
4 payments required by this act within thirty (30) days of
5 the date due and against whom any injured employee is held
6 entitled to worker's compensation benefits is liable to the
7 state for an amount equal to all awards, both paid and
8 reserved entered for payment to or for the employee under
9 this act. If the employer fails, neglects or refuses to
10 satisfy his liability within the thirty (30) day period,
11 the amount ~~shall~~may be recovered by civil action in the
12 name of the director. The entry of final order by the
13 division or hearing examiner approving and allowing an
14 award of compensation is prima facie proof of the liability
15 of an employer failing to comply with this act.

16

17 (c) Premiums not paid on or before the date due shall
18 bear interest of ~~two percent (2%)~~one percent (1%) per
19 month or any fractional portion thereof from the due date
20 until payment plus accrued interest is received by the
21 division. The interest is part of the payment due for all
22 purposes if suit is instituted as provided in this act.

23

1 (d) If premiums, liabilities pursuant to subsection
2 (a) of this section, interest and penalties provided by
3 this section are not paid within thirty (30) days of the
4 date due and following notice by the division to the
5 employer of the remedies authorized under this section, and
6 the consequences of these remedies the attorney general
7 ~~shall immediately~~ may bring suit in the name of the state
8 for the collection of all delinquent payments, liabilities
9 pursuant to subsection (a) of this section, interest and
10 penalties. If a judgment is rendered in favor of the state,
11 the judgment shall be for ~~double~~ the amount of the ~~payroll~~
12 ~~payment provided by this act~~ premiums, liabilities pursuant
13 to subsection (a) of this section, interest and penalties
14 together with costs.

15
16 (f) Any employer employing any person in any covered
17 employment who, following notice by the division of the
18 remedies authorized under this section, fails to apply for
19 coverage under this act or, after obtaining coverage under
20 this act, fails to make payments within thirty (30) days of
21 the date due, ~~shall~~ may be enjoined in an action instituted
22 by the director from engaging or continuing in a business
23 covered by this act. Operations ~~shall~~ may, in whole or in

1 part, be enjoined until required payments are made and the
2 employer complies with this act. The director is not
3 required to give bond in the action.

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5 (j) The division may enter into an installment
6 payment agreement with a delinquent employer where payment
7 in a lump sum would cause severe inconvenience to the
8 employer, provided that:

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10 (i) The agreement shall be agreed upon within
11 thirty (30) days of the notice provided pursuant to
12 subsection (d) of this section; and

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14 (ii) The term of the installment payment
15 agreement shall not exceed twelve (12) months.

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17 (k) No additional interest, penalties or other
18 liabilities authorized under this section shall accrue to
19 the employer for the employer's delinquencies if the
20 employer has entered into an installment payment agreement
21 pursuant to subsection (j) of this section and is in
22 compliance with the terms of the agreement. The employer's
23 relief from liability provided pursuant to W.S.

1 27-14-104(a) shall remain in effect while the employer is
2 in compliance with the agreement, provided that the
3 employer has no further delinquencies under this section.
4 If an employer fails to comply with the terms of its
5 installment payment agreement, all premiums, liabilities
6 pursuant to subsection (a) of this section, interest and
7 penalties provided by this section shall be applied as of
8 the original delinquency date minus any payments made and
9 the division may exercise any remaining remedies authorized
10 under this act.

11

12 **Section 2.** This act is effective July 1, 2017.

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(END)