

ORIGINAL HOUSE
BILL NO. HB0084

ENROLLED ACT NO. 69, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

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

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

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

(c) Premiums not paid on or before the date due shall bear interest of ~~two percent (2%)~~one percent (1%) per month or any fractional portion thereof from the due date until payment plus accrued interest is received by the

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division. The interest is part of the payment due for all purposes if suit is instituted as provided in this act.

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

(f) Any employer employing any person in any covered employment who, following notice by the division of the remedies authorized under this section, fails to apply for coverage under this act or, after obtaining coverage under this act, fails to make payments within thirty (30) days of the date due, ~~shall~~ may be enjoined in an action instituted by the director from engaging or continuing in a business covered by this act. Operations ~~shall~~ may, in whole or in part, be enjoined until required payments are made and the employer complies with this act. The director is not required to give bond in the action.

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

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

(ii) The term of the installment payment agreement shall not exceed twelve (12) months; and

(iii) Prospective liabilities which are reasonably expected to accrue during the term of the installment payment agreement may be included in the installment payment agreement.

(k) No additional interest, penalties or other liabilities authorized under this section shall accrue to the employer for the employer's delinquencies if the employer has entered into an installment payment agreement pursuant to subsection (j) of this section and is in compliance with the terms of the agreement. The employer's relief from liability provided pursuant to W.S. 27-14-104(a) shall remain in effect while the employer is in compliance with the agreement, provided that the employer has no further delinquencies under this section. If an employer fails to comply with the terms of its installment payment agreement, all premiums, liabilities pursuant to subsection (a) of this section, interest and penalties provided by this section shall be applied as of the original delinquency date minus any payments made and the division may exercise any remaining remedies authorized under this act.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk