

HOUSE BILL NO. HB0093

OSHA penalties.

Sponsored by: Representative(s) Throne, Bagby, Barbuto, Blikre, Cannady, Cohee, Esquibel, K., Gingery, Hales, Landon, Patton and Shepperson and Senator(s) Burns, Meyer, Ross and Sessions

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; providing for periodic adjustment
4 of civil penalties; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 27-11-107(b) through (d), (f), (g)
9 and by creating a new subsection (j) is amended to read:

10

11 **27-11-107. Penalty.**

12

13 (b) Any employer willfully and knowingly violating
14 any of the provisions of this act, any safety and health
15 standards, rules or regulations promulgated under this act

1 or any existing rule or regulation governing the conditions
2 of employment promulgated by the commission may be assessed
3 a civil penalty of not less than ~~five thousand dollars~~
4 ~~(\$5,000.00)~~ eight thousand dollars (\$8,000.00) nor more
5 than ~~seventy thousand dollars (\$70,000.00)~~ one hundred
6 twenty thousand dollars (\$120,000.00) for each violation,
7 provided that a lesser penalty may be imposed by the
8 commission. If the violation causes the death of an
9 employee, the civil penalty amounts shall be increased to
10 not less than fifty thousand dollars (\$50,000.00) nor more
11 than two hundred fifty thousand dollars (\$250,000.00) for
12 the violation, except that for an employer with twenty-five
13 (25) or fewer employees the minimum penalty shall not be
14 less than twenty-five thousand dollars (\$25,000.00) for the
15 violation.

16
17 (c) Any employer violating any provision of this act,
18 any health and safety standards or rules and regulations
19 promulgated under this act or any existing rule or
20 regulation governing the conditions of employment
21 promulgated by the commission, the violation specifically
22 determined to be of a serious nature, shall be assessed a
23 civil penalty of not more than ~~seven thousand dollars~~
24 ~~(\$7,000.00)~~ twelve thousand dollars (\$12,000.00) for the

1 violation. If the violation causes the death of an
2 employee, the civil penalty amounts shall be increased to
3 not less than twenty thousand dollars (\$20,000.00) nor more
4 than fifty thousand dollars (\$50,000.00) for the violation,
5 except that for an employer with twenty-five (25) or fewer
6 employees the minimum penalty shall not be less than ten
7 thousand dollars (\$10,000.00) for the violation.

8
9 (d) Any employer violating any provision of this act,
10 any health and safety standards or rules and regulations
11 promulgated under this act or any existing rule or
12 regulation governing the conditions of employment
13 promulgated by the commission, the violation determined not
14 to be of a serious nature, may be assessed a civil penalty
15 of not more than ~~seven thousand dollars (\$7,000.00)~~ twelve
16 thousand dollars (\$12,000.00) for each offense as noted in
17 the notice of violation. If the violation causes the death
18 of an employee, the civil penalty amounts shall be
19 increased to not less than twenty thousand dollars
20 (\$20,000.00) nor more than fifty thousand dollars
21 (\$50,000.00) for the violation, except that for an employer
22 with twenty-five (25) or fewer employees the minimum
23 penalty shall not be less than ten thousand dollars
24 (\$10,000.00) for the violation.

1

2 (f) Any employer who violates any of the posting
3 requirements, as prescribed under the provisions of this
4 act, may be assessed a civil penalty of up to ~~seven~~
5 ~~thousand dollars (\$7,000.00)~~ twelve thousand dollars
6 (\$12,000.00) for each violation.

7

8 (g) Any employer who fails to correct a violation for
9 which a notice of violation has been issued, which notice
10 of violation is not contested or appealed under W.S.
11 27-11-104 and 27-11-106, initiated by the employer, may be
12 assessed a civil penalty of not more than ~~seven thousand~~
13 ~~dollars (\$7,000.00)~~ twelve thousand dollars (\$12,000.00)
14 for each day the failure or violation continues. If the
15 violation causes the death of an employee, the civil
16 penalty amounts shall be increased to not less than twenty
17 thousand dollars (\$20,000.00) nor more than fifty thousand
18 dollars (\$50,000.00) for the violation, except that for an
19 employer with twenty-five (25) or fewer employees the
20 minimum penalty shall not be less than ten thousand dollars
21 (\$10,000.00) for the violation.

22

23 (j) Amounts provided under this section for civil
24 penalties shall be adjusted by the commission at least once

1 during each four (4) year period beginning July 1, 2010 to
2 account for the percentage increase or decrease in the
3 consumer price index for all urban consumers during that
4 period.

5

6 **Section 2.** This act is effective July 1, 2010.

7

8

(END)