

ORIGINAL SENATE  
FILE NO. SF0061

ENROLLED ACT NO. 40, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING  
2016 BUDGET SESSION

AN ACT relating to labor and employment; providing for penalties for certain violations of the Wyoming Occupational Health and Safety Act to be set by rule and regulation; granting rulemaking authority; and providing for effective dates.

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

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

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

(b) Any employer willfully and knowingly violating any of the provisions of this act, any safety and health standards, rules or regulations promulgated under this act or any existing rule or regulation governing the conditions of employment promulgated by the commission may be assessed a civil penalty ~~of not less than five thousand dollars (\$5,000.00) nor more than seventy thousand dollars (\$70,000.00) for each violation, provided that a lesser penalty may be imposed by the commission~~ in an amount determined by the commission pursuant to subsection (j) of this section for each violation.

(c) Any employer violating any provision of this act, any health and safety standards or rules and regulations promulgated under this act or any existing rule or regulation governing the conditions of employment promulgated by the commission, the violation specifically determined to be of a serious nature, shall be assessed a civil penalty ~~of not more than seven thousand dollars (\$7,000.00) for the violation~~ in an amount determined by the commission pursuant to subsection (j) of this section.

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(d) Any employer violating any provision of this act, any health and safety standards or rules and regulations promulgated under this act or any existing rule or regulation governing the conditions of employment promulgated by the commission, the violation determined not to be of a serious nature, may be assessed a civil penalty ~~of not more than seven thousand dollars (\$7,000.00)~~ in an amount determined by the commission pursuant to subsection (j) of this section for each offense as noted in the notice of violation.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this act, may be assessed a civil penalty ~~of up to seven thousand dollars (\$7,000.00)~~ in an amount determined by the commission pursuant to subsection (j) of this section for each violation.

(g) Any employer who fails to correct a violation for which a notice of violation has been issued, which notice of violation is not contested or appealed under W.S. 27-11-104 and 27-11-106, initiated by the employer, may be assessed a civil penalty ~~of not more than seven thousand dollars (\$7,000.00)~~ in an amount determined by the commission pursuant to subsection (j) of this section for each day the failure or violation continues.

(j) Unless otherwise specified in this section, the commission shall through rule and regulation set the civil penalty amounts to be imposed under subsections (b) through (d), (f) and (g) of this section. The amount of the civil penalty shall be no greater than the corresponding federal penalty for the specified violation as promulgated under the Occupational Safety and Health Act, 29 U.S.C. § 666, and shall include any adjustments made to the penalty under

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the Federal Civil Penalties Inflation Adjustment Act  
Improvements Act of 2015, 28 U.S.C. § 2461.

**Section 2.** The occupational health and safety commission may exercise its authority to develop and promulgate the rules required by this act, upon the effective date of this section.

**Section 3.**

(a) Section 2 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

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(b) Except as provided in subsection (a) of this section, this act is effective July 1, 2016.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk