

STATE OF WYOMING  
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

AN ACT relating to the Wyoming Occupational Health and Safety Act; providing for an increase in fines and civil penalties as specified; providing for periodic adjustment of civil penalties; and providing for an effective date. 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)~~ eight thousand dollars (\$8,000.00) nor more than ~~seventy thousand dollars (\$70,000.00)~~ one hundred twenty thousand dollars (\$120,000.00) for each violation, provided that a lesser penalty may be imposed by the commission. If the violation causes the death of an employee, the civil penalty amounts shall be increased to not less than fifty thousand dollars (\$50,000.00) nor more than two hundred fifty thousand dollars (\$250,000.00) for the violation, except that for an employer with twenty-five (25) or fewer employees the minimum penalty shall not be less than twenty-five thousand dollars (\$25,000.00) for the 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, may be assessed a civil penalty of not more than ~~seven thousand dollars (\$7,000.00)~~ twelve thousand dollars (\$12,000.00) for the violation. If the violation causes the death of an employee, the civil penalty amounts shall be increased to not less than twenty thousand dollars (\$20,000.00) nor more than fifty thousand dollars (\$50,000.00) for the violation, except that for an employer with twenty-five (25) or fewer employees the minimum penalty shall not be less than ten thousand dollars (\$10,000.00) for the violation.

(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)~~ twelve thousand dollars (\$12,000.00) for each offense as noted in the notice of violation. If the violation causes the death of an employee, the civil penalty amounts shall be increased to not less than twenty thousand dollars (\$20,000.00) nor more than fifty thousand dollars (\$50,000.00) for the violation, except that for an employer with twenty-five (25) or fewer

employees the minimum penalty shall not be less than ten thousand dollars (\$10,000.00) for the 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)~~ twelve thousand dollars (\$12,000.00) 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)~~ twelve thousand dollars (\$12,000.00) for each day the failure or violation continues. If the violation causes the death of an employee, the civil penalty amounts shall be increased to not less than twenty thousand dollars (\$20,000.00) nor more than fifty thousand dollars (\$50,000.00) for the violation, except that for an employer with twenty-five (25) or fewer employees the minimum penalty shall not be less than ten thousand dollars (\$10,000.00) for the violation.

(j) Amounts provided under this section for civil penalties shall be adjusted by the commission at least once during each four (4) year period beginning July 1, 2010 to account for the percentage increase or decrease in the consumer price index for all urban consumers during that period.

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