

HOUSE BILL NO. HB0257

Worker's compensation-owner controlled insurance.

Sponsored by: Representative(s) Meyer, Berger and Martin
and Senator(s) Anderson, J. and Von Flatern

A BILL

for

1 AN ACT relating to worker's compensation; authorizing an
2 owner or principal contractor to provide worker's
3 compensation coverage for subcontractors' employees on
4 major construction contracts as specified; providing for
5 owner or principal contractor controlled insurance plans;
6 specifying requirements; granting rulemaking authority;
7 providing a definition; and providing for an effective
8 date.

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

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12 **Section 1.** W.S. 27-14-206 by creating a new
13 subsection (g) is amended to read:

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1 **27-14-206. Public contract work; coverage procedure;**
2 **responsibility on private contracts; controlled insurance**
3 **plans.**

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5 (g) An owner or principal contractor of a
6 construction project may apply to the division for approval
7 of a controlled insurance plan under which the owner or
8 principal contractor shall be responsible to submit payroll
9 reports and to pay premium for all employees on the
10 project, subject to the following:

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12 (i) The construction project is located entirely
13 within the state;

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15 (ii) The aggregate construction value of the
16 project is at least two hundred million dollars
17 (\$200,000,000.00). For purposes of this paragraph,
18 "aggregate construction value" means the cost of the
19 project's design, required permits, utilities installation,
20 site excavation, building construction, equipment and
21 furnishings, but does not include financing costs;

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23 (iii) Any party proposing a controlled insurance
24 plan pursuant to this section shall submit an application

1 for approval to the director on a form prescribed by the
2 division not less than forty-five (45) days prior to the
3 commencement of bidding procedures for the primary
4 contractor;

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6 (iv) The application for approval of a
7 controlled insurance plan shall include:

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9 (A) The name, including the type of
10 business entity, of the owner or principal contractor who
11 will operate the controlled insurance plan;

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13 (B) A detailed description of the project,
14 including a list of the subcontractor categories to be used
15 on the project;

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17 (C) An estimate of the number of persons
18 employed in each category of subcontractor;

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20 (D) A financial statement demonstrating the
21 aggregate construction cost of the project; and

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23 (E) Other information as prescribed by rule
24 and regulation of the division.

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(v) The division shall issue a written determination approving or disapproving the application within thirty (30) days of receiving the application. A determination approving a controlled insurance plan shall include a determination of the premium rate or rates to be paid on wages reported under the controlled insurance plan;

(vi) Nothing in this section shall modify the rights and remedies between an employer and its employees as provided in W.S. 27-14-104;

(vii) The costs of claims for an injury to an employee covered by a controlled insurance plan shall be assigned to the claims experience of the injured employee's employer without regard to the operator of the controlled insurance plan.

Section 2. This act is effective July 1, 2007.

(END)