

SENATE FILE NO. SF0135

Misclassification of employees-penalty.

Sponsored by: Senator(s) Hastert, Case and Craft and  
Representative(s) Byrd, Dayton and Petroff

A BILL

for

1 AN ACT relating to workers' compensation and unemployment;  
2 clarifying penalties for misclassification of employees;  
3 and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 27-3-703(a) and 27-14-510(d) (intro)  
8 are amended to read:

9

10 **27-3-703. Fraud by employing unit; refusal to furnish**  
11 **reports; failure to make required payments; failure to**  
12 **comply with injunction order; penalties.**

13

14 (a) No officer, agent or any other individual of an  
15 employing unit shall knowingly make a false statement or

1 misrepresentation, including knowingly failing to properly  
2 classify an individual as an employee, or knowingly fail to  
3 disclose a material fact with the intention of preventing  
4 or reducing the payment of benefits to any entitled  
5 individual, to avoid being subject to this act or to avoid  
6 or reduce any contribution or other payment required from  
7 an employing unit under this act, or willfully fail or  
8 refuse to make any contribution or other payment. Any such  
9 individual violating this subsection is guilty of a  
10 misdemeanor punishable by imprisonment for not more than  
11 ninety (90) days, a fine of not more than seven hundred  
12 fifty dollars (\$750.00), or both. Each false statement,  
13 misrepresentation, failure to properly classify an  
14 individual as an employee or failure to disclose a material  
15 fact is a separate offense.

16

17 **27-14-510. Misrepresentations or false statements;**  
18 **failure of employer to establish account or furnish payroll**  
19 **report.**

20

21 (d) Any employer who knowingly fails to establish an  
22 account or knowingly fails to furnish a payroll report,  
23 including knowingly failing to properly classify an

1 individual as an employee, as required by this act is  
2 guilty of:

3

4 **Section 2.** This act is effective July 1, 2015.

5

6

(END)