

## HOUSE BILL NO. HB0184

Performance bonding requirements.

Sponsored by: Select Committee on Coal/Mineral Bankruptcies

A BILL

for

1 AN ACT relating to labor and employment; revising bonding  
2 requirements for nonresident employers; repealing a related  
3 provision; specifying applicability; and providing for  
4 effective dates.

5

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

7

8       **Section 1.** W.S. 27-1-106(a), (c)(intro), (d),  
9 (e)(intro) (i) and (ii) and (f) and 27-14-302(b) are  
10 amended to read:

11

12       **27-1-106. Certain nonresident employers required to**  
13 **post bond; exceptions.**

14

15       (a) All firms, corporations or employers of any kind  
16 who are nonresident employers and expect to pay wages in

1 the state of Wyoming in excess of four thousand dollars  
2 (\$4,000.00) in any month as a result of conducting business  
3 within Wyoming, are required to file a surety bond with the  
4 director of the department of workforce services. ~~a surety  
5 bond or other security meeting the requirements of this  
6 section, approved by the director.~~

7

8 (c) The bond ~~or security~~ provided for in this section  
9 shall ensure:

10

11 (d) The nonresident employer shall post an additional  
12 ~~security bond~~ before performing work under any new contract  
13 if the ~~security bond~~ previously posted under this section  
14 has expired.

15

16 (e) Upon application by a nonresident employer, the  
17 director may permit the withdrawal of any ~~security bond~~ if  
18 the employer has:

19

20 (i) Complied with the ~~security bonding~~  
21 requirements of this section and made all necessary  
22 payments for a period of two (2) years; or

23

1           (ii) Demonstrated that he has been a resident of  
2 the state for two (2) years and intends to remain a  
3 resident. ~~;~~ ~~or~~

4  
5           (f) If the anticipated work has ceased before the  
6 expiration of twenty-four (24) months, or less than fifty  
7 percent (50%) of the largest work force is still working in  
8 Wyoming, the ~~security~~-~~bond~~ deposited by the nonresident  
9 employer shall be forfeited and retained by the division in  
10 an amount equal to the reserved amounts for compensable  
11 injuries to the nonresident employer's employees. Upon  
12 application by a nonresident employer, the division shall  
13 refund the amount not forfeited pursuant to this subsection  
14 except for any disbursements made under subsection (c) of  
15 this section.

16  
17           **27-14-302. Required reporting; security required for**  
18 **certain nonresident employers.**

19  
20           (b) Before starting business or engaging work in this  
21 state, a nonresident employer as defined by W.S.  
22 27-1-106(a) shall register as required by W.S. 27-14-207,  
23 and shall either pay an advance premium deposit as provided

1 in the department's rules and regulations or shall file  
2 with the director a surety bond ~~or other security approved~~  
3 ~~by the director,~~ as provided in W.S. 27-1-106.

4

5 **Section 2.** W.S. 27-1-106(e)(iii) is repealed.

6

7 **Section 3.** To the extent any nonresident employer has  
8 provided a security that does not conform to the  
9 requirements of W.S. 27-1-106 as amended by sections 1 and  
10 2 of this act, the director of the department of workforce  
11 services shall inform the employer of the need to provide a  
12 surety bond as provided in W.S. 27-1-106 on July 1, 2020.

13

14 **Section 4.**

15

16 (a) Except as provided in subsection (b) of this  
17 section, this act is effective immediately upon completion  
18 of all acts necessary for a bill to become law as provided  
19 by Article 4, Section 8 of the Wyoming Constitution.

20

1           (b) Sections 1 and 2 of this act are effective July  
2 1, 2020.

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4

(END)