

Introduced: 2/17/86
Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY KOPONEN

2

HOUSE BILL NO. 653

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to penalties for violation of work-
7 place safety laws."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.60.095(a) is amended to read:

10 (a) An employer who wilfully or repeatedly violates a provision
11 of AS 18.60.010 - 18.60.105 that is applicable to the employer or a
12 standard [, RULE] or regulation adopted [PROMULGATED] under AS 18.60.-
13 010 - 18.60.105 may be assessed by the commissioner a civil penalty of
14 not more than \$25,000 [\$10,000] for each violation.

15 * Sec. 2. AS 18.60.095(b) is amended to read:

16 (b) An employer who receives a citation for a serious violation
17 of a provision of AS 18.60.010 - 18.60.105 that is applicable to the
18 employer or of a standard [, RULE] or regulation adopted [PROMULGATED]
19 under AS 18.60.010 - 18.60.105 shall be assessed by the commissioner a
20 civil penalty of not less than [UP TO] \$1,000 and not more than
21 \$25,000 for each violation. For purposes of this subsection, a seri-
22 ous violation is considered to exist if the violation creates in the
23 place of employment a substantial probability of death or serious
24 physical harm. However, a serious violation is not considered to
25 exist if the employer did not, and could not with the exercise of
26 reasonable diligence, know of the presence of the violation.

27 * Sec. 3. AS 18.60.095(c) is amended to read:

28 (c) An employer who receives a citation for a violation of a
29 provision of AS 18.60.010 - 18.60.105 that is applicable to the

1 employer or [OF] a standard [, RULE] or regulation adopted [PROMUL-
2 GATED] under AS 18.60.010 - 18.60.105, and the violation is specif-
3 ically determined not to be of a serious nature, may be assessed by
4 the commissioner a civil penalty of up to \$10,000 [\$1,000] for each
5 violation.

6 * Sec. 4. AS 18.60.095(d) is amended to read:

7 (d) An employer who fails to correct a violation within the
8 period permitted for its correction for which a citation has been
9 issued may be assessed by the commissioner a civil penalty of not more
10 than \$25,000 [\$1,000] for each day during which the failure to correct
11 the violation continues.

12 * Sec. 5. AS 18.60.095(e) is amended to read:

13 (e) An employer who wilfully or repeatedly violates a provision
14 of AS 18.60.010 - 18.60.105 that is applicable to the employer or a
15 standard [, RULE] or regulation adopted [PROMULGATED] under AS 18.60.-
16 010 - 18.60.105, and the violation causes death to an employee, upon
17 conviction, is punishable by a fine of not more than \$150,000
18 [\$10,000], or by imprisonment for not more than six months, or by
19 both. However, upon a second conviction after a prior conviction for a
20 violation causing death, an employer is punishable by a fine of not
21 more than \$500,000 [\$20,000], or by imprisonment for not more than one
22 year, or by both.

23 * Sec. 6. AS 18.60.095(f) is amended to read:

24 (f) A person who knowingly makes a false statement, representa-
25 tion, or certification in an application, record, report, plan or
26 other document filed or required to be maintained under AS 18.60.010 -
27 18.60.105, upon conviction, is punishable by a fine of not more than
28 \$25,000 [\$10,000], or by imprisonment for not more than six months, or
29 by both.

1 * Sec. 7. AS 18.60.095(g) is amended to read:

2 (g) An employer who violates the posting requirements of this
3 chapter shall be assessed by the commissioner a civil penalty of up to
4 \$5,000 [\$1,000] for each violation.

5 * Sec. 8. The amendments made by this Act apply to violations that
6 occur on or after the effective date of this Act.