

Offered: 1/30/87
Referred: Judiciary and
Finance

Original sponsors: Koponen, Goll
and Davis

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 53 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST 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 or regulation adopted under AS 18.60.010 - 18.60.105 may be
13 assessed by the commissioner a civil penalty of not more than \$25,000
14 [\$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 or regulation adopted under AS 18.60.010 -
19 18.60.105 shall be assessed by the commissioner a civil penalty of not
20 less than [UP TO] \$1,000 and not more than \$10,000 for each violation.
21 For purposes of this subsection, a serious violation is considered to
22 exist if the violation creates in the place of employment a
23 substantial probability of death or serious physical harm. However, a
24 serious violation is not considered to exist if the employer did not,
25 and could not with the exercise of reasonable diligence, know of the
26 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 or regulation adopted under AS 18.60.010 -
2 18.60.105, and the violation is specifically determined not to be of a
3 serious nature, may be assessed by the commissioner a civil penalty of
4 up to \$5,000 [\$1,000] for each violation.

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

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

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

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

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

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

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

29 (g) An employer who violates the posting requirements of this

1 chapter shall be assessed by the commissioner a civil penalty of up to
2 \$5,000 [\$1,000] for each violation.
3 * Sec. 8. The amendments made by this Act apply to violations that
4 occur on or after the effective date of this Act.