

Offered: 2/25/87
Referred: Finance

5-0251L

Original sponsors: Koponen, Goll,
Davis and Donley

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 53 (Judiciary)

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 violations of workplace safety
7 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 substan-
23 tial probability of death or serious physical harm. However, a seri-
24 ous violation is not considered to exist if the employer did not, and
25 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 knowingly [WILFULLY] or repeatedly violates
13 a provision of AS 18.60.010 - 18.60.105 that is applicable to the
14 employer or a standard or regulation adopted under AS 18.60.010 -
15 18.60.105, and the violation causes death to an employee, upon con-
16 viction, is punishable by a fine of not more than \$150,000 [\$10,000],
17 or by imprisonment for not more than six months, or by both. However,
18 upon a second conviction after a prior conviction for a violation
19 causing death, an employer is punishable by a fine of not more than
20 \$500,000 [\$20,000], or by imprisonment for not more than one year, or
21 by both.

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

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

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

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