

1 IN THE HOUSE

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2

HOUSE BILL NO. 286

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH 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 knowingly [WILFULLY] or repeatedly violates
11 a provision of AS 18.60.010 - 18.60.105 that is applicable to the
12 employer or a standard or regulation adopted under AS 18.60.010 -
13 18.60.105 may be assessed by the commissioner a civil penalty of not
14 more than \$30,000 [\$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 or regulation adopted under AS 18.60.010 -
19 18.60.105 shall be assessed by the commissioner a civil penalty of up
20 to \$3,000 [\$1,000] for each violation. For purposes of this sub-
21 section, a serious violation is considered to exist if the violation
22 creates in the place of employment a substantial probability of death
23 or serious physical harm. However, a serious violation is not con-
24 sidered to exist if the employer did not, and could not with the
25 exercise of reasonable diligence, know of the presence of the viola-
26 tion.

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 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 \$3,000 [\$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 \$3,000 [\$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
16 conviction, is punishable by a fine of not more than \$30,000
17 [\$10,000], or by imprisonment for not more than six months, or by
18 both. However, upon a second conviction after a prior conviction for
19 a violation causing death, an employer is punishable by a fine of not
20 more than \$60,000 [\$20,000], or by imprisonment for not more than one
21 year, or 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 \$30,000 [\$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 \$3,000 [\$1,000] for each violation.