

Original sponsor(s): REP. KOPONEN, Donley, Navarre, Brown, Spohnholz,
Goll, Ellis, M.Davis, Menard

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 286 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for violation of work-
7 place safety laws; and assessing costs for an em-
8 ployer's failure to appear at certain hearings of the
9 OSHA Review Board."

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

11 * Section 1. AS 18.60.093 is amended by adding a new subsection to
12 read:

13 (f) If an employer fails without good cause to appear at a
14 hearing held under this section after receiving proper notice of the
15 hearing, the OSHA Review Board may order the employer to pay all
16 reasonable expenses incurred by the board for the hearing, including
17 the board's actual travel expenses and per diem.

18 * Sec. 2. AS 18.60.095(a) is amended to read:

19 (a) An employer who knowingly [WILFULLY] or repeatedly violates
20 a provision of AS 18.60.010 - 18.60.105 that is applicable to the
21 employer or a standard or regulation adopted under AS 18.60.010 -
22 18.60.105 may be assessed by the commissioner a civil penalty of not
23 more than \$30,000 [\$10,000] for each violation.

24 * Sec. 3. AS 18.60.095(b) is amended to read:

25 (b) An employer who receives a citation for a serious violation
26 of a provision of AS 18.60.010 - 18.60.105 that is applicable to the
27 employer or of a standard or regulation adopted under AS 18.60.010 -
28 18.60.105 shall be assessed by the commissioner a civil penalty of up
29 to \$3,000 [\$1,000] for each violation. For purposes of this

1 subsection, a serious violation is considered to exist if the viola-
2 tion creates in the place of employment a substantial probability of
3 death or serious physical harm. However, a serious violation is not
4 considered to exist if the employer did not, and could not with the
5 exercise of reasonable diligence, know of the presence of the viola-
6 tion.

7 * Sec. 4. AS 18.60.095(c) is amended to read:

8 (c) An employer who receives a citation for a violation of a
9 provision of AS 18.60.010 - 18.60.105 that is applicable to the em-
10 ployer or a standard or regulation adopted under AS 18.60.010 -
11 18.60.105, and the violation is specifically determined not to be of a
12 serious nature, may be assessed by the commissioner a civil penalty of
13 up to \$3,000 [\$1,000] for each violation.

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

15 (d) An employer who fails to correct a violation within the
16 period permitted for its correction for which a citation has been
17 issued may be assessed by the commissioner a civil penalty of not more
18 than \$3,000 [\$1,000] for each day during which the failure to correct
19 the violation continues.

20 * Sec. 6. AS 18.60.095(e) is amended to read:

21 (e) An employer who knowingly [WILFULLY] or repeatedly violates
22 a provision of AS 18.60.010 - 18.60.105 that is applicable to the
23 employer or a standard or regulation adopted under AS 18.60.010 -
24 18.60.105, and the violation causes death to an employee, upon con-
25 viction, is punishable by a fine of not more than \$30,000 [\$10,000],
26 or by imprisonment for not more than six months, or by both. However,
27 upon a second conviction after a prior conviction for a violation
28 causing death, an employer is punishable by a fine of not more than
29 \$60,000 [\$20,000], or by imprisonment for not more than one year, or

1 by both.

2 * Sec. 7. AS 18.60.095(f) is amended to read:

3 (f) A person who knowingly makes a false statement, representa-
4 tion, or certification in an application, record, report, plan or
5 other document filed or required to be maintained under AS 18.60.010 -
6 18.60.105, upon conviction, is punishable by a fine of not more than
7 \$30,000 [\$10,000], or by imprisonment for not more than six months, or
8 by both.

9 * Sec. 8. AS 18.60.095(g) is amended to read:

10 (g) An employer who violates the posting requirements of this
11 chapter shall be assessed by the commissioner a civil penalty of up to
12 \$3,000 [\$1,000] for each violation.