

HOUSE BILL NO. 33
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOPONEN

Introduced: 1/21/91

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to penalties for violation of workplace safety laws; and assessing costs
2 for an employer's failure to appear at certain hearings of the OSHA Review Board."

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

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

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

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

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

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

1 (b) An employer who receives a citation for a serious violation of a provision of
2 AS 18.60.010 - 18.60.105 that is applicable to the employer or of a standard or regulation
3 adopted under AS 18.60.010 - 18.60.105 shall be assessed by the commissioner a civil penalty
4 of up to \$3,000 [~~\$1,000~~] for each violation. For purposes of this subsection, a serious violation
5 is considered to exist if the violation creates in the place of employment a substantial probability
6 of death or serious physical harm. However, a serious violation is not considered to exist if the
7 employer did not, and could not with the exercise of reasonable diligence, know of the presence
8 of the violation.

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

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

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

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

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

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

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

29 (f) A person who knowingly makes a false statement, representation, or certification in
30 an application, record, report, plan or other document filed or required to be maintained under
31 AS 18.60.010 - 18.60.105, upon conviction, is punishable by a fine of not more than \$30,000

1 [\$10,000], or by imprisonment for not more than six months, or by both.

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

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