

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

BY REPRESENTATIVES KOPONEN, Brown, Donley

Introduced: 2/12/91

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 \$70,000 [\$10,000] for each violation. Except when a settlement is negotiated, the
14 commissioner shall assess a minimum penalty of \$5,000 for a violation under this subsection.

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

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

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

11 (c) An employer who receives a citation for a violation of a provision of AS 18.60.010 -
12 18.60.105 that is applicable to the employer or a standard or regulation adopted under
13 AS 18.60.010 - 18.60.105, and the violation is specifically determined not to be of a serious
14 nature, may be assessed by the commissioner a civil penalty of up to \$7,000 [~~\$1,000~~] for each
15 violation.

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

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

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

22 (e) An employer who knowingly [WILFULLY] or repeatedly violates a provision of
23 AS 18.60.010 - 18.60.105 that is applicable to the employer or a standard or regulation adopted
24 under AS 18.60.010 - 18.60.105, and the violation causes death to an employee, upon conviction,
25 is punishable by a fine of not more than \$70,000 [~~\$10,000~~], or by imprisonment for not more
26 than six months, or by both. However, upon a second conviction after a prior conviction for a
27 violation causing death, an employer is punishable by a fine of not more than \$140,000
28 [~~\$20,000~~], or by imprisonment for not more than one year, or by both. Except when a
29 settlement is negotiated, the commissioner shall assess a minimum penalty of \$5,000 for a
30 violation under this subsection.

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

1 (f) A person who knowingly makes a false statement, representation, or certification in
2 an application, record, report, plan or other document filed or required to be maintained under
3 AS 18.60.010 - 18.60.105, upon conviction, is punishable by a fine of not more than \$70,000
4 [~~\$10,000~~], or by imprisonment for not more than six months, or by both. Except when a
5 settlement is negotiated, the commissioner shall assess a minimum penalty of \$5,000 for a
6 violation under this subsection.

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

8 (g) An employer who violates the posting requirements of this chapter shall be assessed
9 by the commissioner a civil penalty of up to \$7,000 [~~\$1,000~~] for each violation.