

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/5/92
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES KOPONEN, Brown, Donley, Moyer

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 18.60.085 is amended to read:

5 Sec. 18.60.085. PROHIBITION OF UNAUTHORIZED NOTICE OF INSPECTION. A
6 person may not give [AN] unauthorized notice of a department safety or health inspection
7 [MAY NOT BE GIVEN]. A person who gives unauthorized notice of a safety or health
8 inspection, upon conviction, is punishable by a fine of not more than \$7,000 [\$1,000], or by
9 imprisonment for not more than 180 days, or by both.

10 * **Sec. 2.** AS 18.60.093 is amended by adding a new subsection to read:

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

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

2 (a) An employer who wilfully or repeatedly violates a provision of AS 18.60.010 -
3 18.60.105 that is applicable to the employer or a standard or regulation adopted under
4 AS 18.60.010 - 18.60.105 may be assessed by the commissioner a civil penalty of not more than
5 \$70,000 [~~\$10,000~~] for each violation. Except when a settlement is negotiated, the
6 commissioner shall assess a minimum penalty of \$5,000 for a violation under this subsection
7 that was committed wilfully.

8 * Sec. 4. AS 18.60.095(b) is amended to read:

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

17 * Sec. 5. AS 18.60.095(c) is amended to read:

18 (c) An employer who receives a citation for a violation of a provision of AS 18.60.010 -
19 18.60.105 that is applicable to the employer or a standard or regulation adopted under
20 AS 18.60.010 - 18.60.105, and the violation is specifically determined not to be of a serious
21 nature, may be assessed by the commissioner a civil penalty of up to \$7,000 [~~\$1,000~~] for each
22 violation.

23 * Sec. 6. AS 18.60.095(d) is amended to read:

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

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 with
30 the intent to mislead in an application, record, report, plan or other document filed or required
31 to be maintained under AS 18.60.010 - 18.60.105 is guilty of unsworn falsification [, UPON

1 CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000, OR BY
2 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH].

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

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

6 * Sec. 9. AS 18.60.085, as amended by sec. 1 of this Act, and AS 18.60.095, as amended by secs.
7 3 - 8 of this Act, apply to violations that occur on or after the effective date of this Act.