

HOUSE BILL No. 1341

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-8-1.1-27.1.

Synopsis: Occupational safety and health. Provides that if an employer willfully violates any standard, rule, order, or provision of the Indiana occupational safety and health act and the violation results in the death of an employee, the commissioner of labor shall assess a civil penalty of \$100,000 for each employee whose death results from the violation.

Effective: July 1, 2019.

Carbaugh

January 14, 2019, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1341

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-8-1.1-27.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27.1. (a) The
3 commissioner may assess the following civil penalties:
4 (1) Any employer who has received a safety order for violation of
5 any standard, rule, or order not of a serious nature may be
6 assessed a civil penalty of up to seven thousand dollars (\$7,000)
7 for each such violation.
8 (2) Any employer who has received a safety order for a serious
9 violation of any standard, rule, or order or this chapter may be
10 assessed a civil penalty of up to seven thousand dollars (\$7,000)
11 for each such violation.
12 (3) Any employer who fails to correct a violation for which a
13 safety order has been issued within the period permitted may be
14 assessed a civil penalty of up to seven thousand dollars (\$7,000)
15 for each day during which the failure or violation continues.
16 (4) Any employer who fails to comply with the posting
17 requirements in this chapter may be assessed a civil penalty of up



1 to seven thousand dollars (\$7,000) for each violation.

2 (5) Any employer who repeatedly violates any standard, rule, or
3 order or this chapter may be assessed a civil penalty of up to
4 seventy thousand dollars (\$70,000) for each violation.

5 (6) Any employer who knowingly violates any standard, rule,
6 order, or this chapter shall be assessed a civil penalty of not less
7 than five thousand dollars (\$5,000) for each violation and may be
8 assessed a civil penalty of up to seventy thousand dollars
9 (\$70,000) for each violation.

10 **(b) If an employer willfully violates any standard, rule, order,**
11 **or this chapter and the violation results in the death of an**
12 **employee, the commissioner shall assess a civil penalty of one**
13 **hundred thousand dollars (\$100,000) for each employee whose**
14 **death results from the violation.**

15 ~~(b)~~ (c) For purposes of this section, a serious violation exists in a
16 place of employment if there is a substantial probability that death or
17 serious physical harm could result from a condition which exists or
18 from one (1) or more practices, means, methods, operations, or
19 processes which have been adopted or are in use in the place of
20 employment, unless the employer did not know and could not, with the
21 exercise of reasonable diligence, have known of the presence of the
22 violation.

