

CHAPTER 1042

SAFETY LAWS

S.F. 2174

AN ACT making changes in the state's labor laws relating to occupational safety and health, safety inspection of amusement rides, and elevator safety, and providing injunctive relief under certain of those laws.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 88.5, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. Before adopting, modifying, or revoking any standard by rule pursuant to this section, the commissioner shall hold a public hearing on the subject matter of the proposed adoption, modification, or revocation. An interested person may appear and be heard at the hearing, in person or by agent or counsel. ~~The commissioner shall cause to be published a notice of each hearing in one or more newspapers in the state having a statewide circulation.~~ The provisions of this section are in addition to the requirements of chapter 17A.

Sec. 2. Section 88A.3, unnumbered paragraph 3, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 3. NEW SECTION. 88A.14 INJUNCTION.

In addition to any and all other remedies, if an owner, operator, or person in charge of any amusement device or ride, concession booth, or related electrical equipment covered by this chapter, continues to operate any amusement device or ride, concession booth, or related electrical equipment covered by this chapter, after receiving a notice of defect as provided by this chapter, without first correcting the defects or making replacements, the commissioner may petition the district court in equity, in an action brought in the name of the state, for a writ of injunction to restrain the use of the alleged defective amusement device or ride, concession booth, or related electrical equipment.

Sec. 4. Section 89A.3, subsection 2, Code 1987, is amended to read as follows:

2. Insofar as applicable, rules adopted for facilities installed after January 1, 1975, shall be based on the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, and supplements thereto to the Code, A.17.1. The commissioner shall adopt rules for facilities installed prior to January 1, 1975, according to the applicable provisions of such American National Standard Safety Code as the commissioner deems necessary. In adopting rules the commissioner may adopt the American National Standard Safety Code, or any part thereof of the Code, by reference. ~~Before adopting, amending, or repealing any rule, the commissioner shall hold a public hearing on the proposed rule, amendment or repeal. The commissioner shall notify in writing each permit holder and any other person requesting notification of each hearing at least thirty days in advance of the hearing date. Any interested person may appear and be heard at the hearing in person or by agent or counsel. The commissioner shall give the news media notice of each hearing at least thirty days in advance of the hearing date and shall make available a copy of the proposed rule or amendment to a rule to any person requesting same.~~

Sec. 5. Section 89A.13, Code 1987, is amended to read as follows:

89A.13 FEES.

The commissioner, pursuant to chapter 17A, shall adopt rules to charge and collect fees for inspection, permits, and licenses. Fees may be set by rule not more than once each year, and shall be effective from the first day of January next following the date of adoption of the

rule. Fees established by the commissioner shall be based upon the costs of administering the provisions of this chapter, and shall give due regard to the time spent by personnel of the division of labor services in performing duties, and to any travel expenses incurred. Before adopting any rule to establish or increase any fees for inspection, permits or licenses, the commissioner shall hold a public hearing on the proposed rule or amendment. The commissioner shall notify in writing each permit holder and any other person requesting notification of each hearing at least thirty days in advance of the hearing date. Any interested person may appear and be heard at the hearing in person or by agent or counsel.

Sec. 6. Section 89B.8, subsections 3, 4, and 5, Code 1987, are amended to read as follows:

3. The federal occupational safety and health administration's hazard communication regulation, 29 C.F.R. § 1910.1200 et seq., as promulgated on November 25, 1983 in effect on January 1, 1988, is adopted as the basis for the division's regulatory responsibility under this division of this chapter. Except as specifically modified by this division of this chapter, all employers in this state shall comply with the regulation including but not limited to the requirements on labeling, training, hazardous chemical list, trade secrets, and material safety data sheets without regard to whether an employer is covered by the federal regulation.

4. In addition to the chemical information required to be reported under the federal hazard communication standard, 29 C.F.R. § 1910.1200(d), the labor commissioner may adopt by rule additional hazardous chemical information to be regulated.

5. This chapter does not apply to hazardous chemicals which are consumer products as defined in and regulated by the federal Consumer Product Safety Act, 15 U.S.C. §§ 2051 et seq., in the possession of a person who is not regulated by the federal occupational safety and health administration's hazard communication regulation 29 C.F.R. §§ 1910.1200 et seq. as promulgated on November 25, 1983.

Sec. 7. Section 89B.9, Code 1987, is amended to read as follows:

89B.9 EMPLOYEE RIGHTS.

An employer shall not discharge or in any other manner discriminate against an employee because the employee has filed a complaint or brought an action under this section or has cooperated in bringing an action against an employer. An employee may file a complaint with the labor commissioner alleging discharge or discrimination within thirty days after an alleged violation occurs. Upon receipt of the complaint, the commissioner shall cause an investigation to be made to the extent the commissioner deems appropriate. If the commissioner determines from the investigation that this section has been violated, the commissioner shall bring an action in the appropriate district court against the person. The district court has jurisdiction, for cause shown, to restrain violations of this section and order appropriate relief including rehiring or reinstatement of the employee to the former position with back pay. Notwithstanding section 89B.4, this This section applies to an employee of a person otherwise exempt from this chapter.

Sec. 8. REPEALS.

1. Section 89B.4, Code Supplement 1987, is repealed.
2. Sections 89B.5, 89B.7, 89B.10, and 89B.11, Code 1987, are repealed.

Approved April 11, 1988

CHAPTER 1043

ASSESSOR EXAMINING AND REVIEW BOARDS

H.F. 2061

AN ACT to require members of examining boards and board of review to be residents of the assessor jurisdiction.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 441.3, Code 1987, is amended to read as follows:
441.3 EXAMINING BOARD.

At a regular meeting of the conference board each voting unit of the conference board shall appoint one qualified person who is a resident of the assessor jurisdiction to serve as a member of an examining board to hold an examination for the positions of assessor or deputy assessor. This examining board shall organize as soon as possible after its appointment with a chairperson and secretary. All its necessary expenditures shall be paid as hereinafter provided. Members of the board shall serve without compensation. The terms of each shall be for six years.

Sec. 2. Section 441.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The chairperson of the conference board shall call a meeting by written notice to all of the members ~~thereof of the board~~ for the purpose of appointing a board of review for all assessments made by the assessor. ~~Such~~ The board of review may consist of either three members or five members. As nearly as possible this board shall include one licensed real estate broker and one registered architect or person experienced in the building and construction field. In the case of a county, at least one member of the board shall be a farmer. Not more than two members of the board of review shall be of the same profession or occupation and ~~no two~~ members of the board of review shall be citizens of the same city or township ~~except in the case of cities having their own assessor in which case the members shall be selected so as to give each of the townships included within the city the highest possible numerical representation residents of the assessor jurisdiction.~~ The terms of the members of the board of review shall be for six years, beginning with January 1 of the year following their selection. In boards of review having three members the term of one member of the first board to be appointed shall be for two years, one member for four years and one member for six years. In the case of boards of review having five members, the term of one member of the first board to be appointed shall be for one year, one member for two years, one member for three years, one member for four years and one member for six years.

Approved April 11, 1988

CHAPTER 1044

TRUCK AND TRACTOR BRAKES

H.F. 2129

AN ACT relating to brake requirements for certain trucks and truck tractors.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.430, subsection 4, paragraph c, Code 1987, is amended to read as follows:

c. Trucks and truck tractors having equipped with three or more axles and manufactured before July 25, 1980, need not have brakes on the front wheels, except that such vehicles equipped with two or more front axles shall be equipped with brakes on at least one of ~~such~~