

House File 529 - Enrolled

House File 529

AN ACT

PROVIDING FOR CONFORMITY WITH FEDERAL LAW RELATING TO CIVIL PENALTIES FOR VIOLATIONS OF THE STATE OCCUPATIONAL SAFETY AND HEALTH LAW AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 88.14, subsections 1, 2, 3, 4, and 9, Code 2017, are amended to read as follows:

1. *Willful violations.* Any employer who willfully or repeatedly violates the requirements of [section 88.4](#), any standard, rule, or order adopted or issued pursuant to section 88.5, or rules adopted pursuant to [this chapter](#), may be assessed a civil penalty of not less than the minimum penalty amount and not more than ~~seventy thousand dollars for each violation, but not less than five thousand dollars~~ the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each willful violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the minimum and maximum penalty amounts for each willful violation.

2. *Serious violations.* Any employer who has received a citation for a serious violation of the requirements of section 88.4, of any standard, rule, or order adopted or issued pursuant to [section 88.5](#), or of any ~~regulations prescribed~~

rules adopted pursuant to this chapter, shall be assessed a civil penalty of up to seven thousand dollars not more than the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each such violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each serious violation.

3. *Nonserious violations.* Any employer who has received a citation for a violation of the requirements of [section 88.4](#), of any standard, rule, or order adopted or issued pursuant to section 88.5, or of rules ~~prescribed~~ adopted pursuant to this chapter and the violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of ~~up to seven thousand dollars~~ not more than the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each nonserious violation.

4. *Failure to correct.* Any employer who fails to correct a violation for which a citation has been issued under section 88.7, subsection 1, within the period permitted for its correction, may be assessed a civil penalty of not more than ~~seven thousand dollars~~ the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each day during which the failure or violation continues. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each day during which the failure or violation continues. The period for correction shall not

begin until the date of the final order of the appeal board of any review proceeding under [section 88.8](#) initiated by the employer in good faith and not solely for delay or avoidance of penalties.

9. *Violation of posting requirements.* Any employer who violates any of the posting, reporting, or recordkeeping requirements under [this chapter](#), shall be assessed a civil penalty of ~~up to seven thousand dollars~~ not more than the maximum penalty amount set by the United States department of labor pursuant to the federal Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for each violation. The commissioner shall adopt rules pursuant to chapter 17A, in accordance with this subsection, that contain the maximum penalty amount for each violation of any of the posting, reporting, or recordkeeping requirements under this chapter.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

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LINDA UPMEYER  
Speaker of the House

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JACK WHITVER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 529, Eighty-seventh General Assembly.

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CARMINE BOAL  
Chief Clerk of the House

Approved \_\_\_\_\_, 2017

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TERRY E. BRANSTAD  
Governor