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BUSINESS & LABOR

SENATE FILE 2244

BY DEARDEN, HORN, GETTINGS,  
PALMER, and GRONSTAL

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act concerning occupational safety and health by increasing  
2 penalties and providing staffing requirements.

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

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S.F. 2244

1 Section 1. Section 88.2, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. The necessary legal authority and qualified personnel  
4 shall be provided for the administration and enforcement of  
5 this chapter and such standards adopted pursuant to this  
6 chapter. The commissioner shall employ sufficient safety and  
7 industrial hygiene officers to meet the compliance staffing  
8 benchmarks established for the state by the federal  
9 occupational safety and health administration.

10 Sec. 2. Section 88.14, subsections 1, 2, 3, and 4, Code  
11 1997, are amended to read as follows:

12 1. WILLFUL VIOLATIONS. Any employer who willfully or  
13 repeatedly violates the requirements of section 88.4, any  
14 standard, rule, or order adopted or issued pursuant to section  
15 88.5, or rules adopted pursuant to this chapter, may be  
16 assessed a civil penalty of not more than seventy one hundred  
17 five thousand dollars for each violation, but not less than  
18 five seven thousand five hundred dollars for each willful  
19 violation.

20 2. SERIOUS VIOLATIONS. Any employer who has received a  
21 citation for a serious violation of the requirements of  
22 section 88.4, of any standard, rule, or order adopted or  
23 issued pursuant to section 88.5, or of any regulations  
24 prescribed pursuant to this chapter, shall be assessed a civil  
25 penalty of up to seven eight thousand seven hundred fifty  
26 dollars for each such violation.

27 3. NONSERIOUS VIOLATIONS. Any employer who has received a  
28 citation for a violation of the requirements of section 88.4,  
29 of any standard, rule, or order adopted or issued pursuant to  
30 section 88.5, or of rules prescribed pursuant to this chapter  
31 and the violation is specifically determined not to be of a  
32 serious nature, may be assessed a civil penalty of up to seven  
33 eight thousand four hundred dollars for each violation.

34 4. FAILURE TO CORRECT. Any employer who fails to correct  
35 a violation for which a citation has been issued under section

1 88.7, subsection 1, within the period permitted for its  
2 correction, may be assessed a civil penalty of not more than  
3 seven eight thousand four hundred dollars for each day during  
4 which the failure or violation continues. The period for  
5 correction shall not begin until the date of the final order  
6 of the appeal board of any review proceeding under section  
7 88.8 initiated by the employer in good faith and not solely  
8 for delay or avoidance of penalties.

9 EXPLANATION

10 The bill requires the industrial commissioner to employ  
11 sufficient health and industrial hygiene officers to meet the  
12 federal staffing benchmarks set for Iowa by the federal  
13 occupational safety and health administration.

14 The bill also increases the penalties for a violation of an  
15 applicable occupational safety and health standard. The bill  
16 provides that the range of possible fines for a willful  
17 violation is increased from a minimum of \$5,000 to a maximum  
18 of \$70,000 to a minimum of \$7,500 to a maximum of \$105,000.  
19 The fine for a serious violation is increased from a maximum  
20 of \$7,000 to a maximum of \$8,750. The fine for a nonserious  
21 violation or for a failure to correct is increased from a  
22 maximum of \$7,000 to a maximum of \$8,400.

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