

House File 529 - Introduced

HOUSE FILE 529

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 145)

A BILL FOR

1 An Act providing for conformity with federal law relating to
2 civil penalties for violations of the state occupational
3 safety and health law and including effective date
4 provisions.

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

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

3 1. *Willful violations.* Any employer who willfully or
4 repeatedly violates the requirements of [section 88.4](#), any
5 standard, rule, or order adopted or issued pursuant to section
6 88.5, or rules adopted pursuant to [this chapter](#), may be
7 assessed a civil penalty of not less than the minimum penalty
8 amount and not more than ~~seventy thousand dollars for each~~
9 violation, but not less than five thousand dollars the maximum
10 penalty amount set by the United States department of labor
11 pursuant to the federal Occupational Safety and Health Act of
12 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C. §666, as
13 amended, and the federal Bipartisan Budget Act of 2015, Pub. L.
14 No. 114-74, §701, for each willful violation. The commissioner
15 shall adopt rules pursuant to chapter 17A, in accordance with
16 this subsection, that contain the minimum and maximum penalty
17 amounts for each willful violation.

18 2. *Serious violations.* Any employer who has received
19 a citation for a serious violation of the requirements of
20 section 88.4, of any standard, rule, or order adopted or issued
21 pursuant to [section 88.5](#), or of any ~~regulations prescribed~~
22 rules adopted pursuant to [this chapter](#), shall be assessed a
23 civil penalty of up to ~~seven thousand dollars~~ not more than the
24 maximum penalty amount set by the United States department of
25 labor pursuant to the federal Occupational Safety and Health
26 Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C.
27 §666, as amended, and the federal Bipartisan Budget Act of
28 2015, Pub. L. No. 114-74, §701, for each such violation. The
29 commissioner shall adopt rules pursuant to chapter 17A, in
30 accordance with this subsection, that contain the maximum
31 penalty amount for each serious violation.

32 3. *Nonserious violations.* Any employer who has received a
33 citation for a violation of the requirements of [section 88.4](#),
34 of any standard, rule, or order adopted or issued pursuant to
35 section 88.5, or of rules ~~prescribed~~ adopted pursuant to this

1 chapter and the violation is specifically determined not to be
 2 of a serious nature, may be assessed a civil penalty of ~~up to~~
 3 ~~seven thousand dollars~~ not more than the maximum penalty amount
 4 set by the United States department of labor pursuant to the
 5 federal Occupational Safety and Health Act of 1970, Pub. L.
 6 No. 91-596, §17, codified at 29 U.S.C. §666, as amended, and
 7 the federal Bipartisan Budget Act of 2015, Pub. L. No. 114-74,
 8 §701, for each violation. The commissioner shall adopt rules
 9 pursuant to chapter 17A, in accordance with this subsection,
 10 that contain the maximum penalty amount for each nonserious
 11 violation.

12 4. *Failure to correct.* Any employer who fails to correct a
 13 violation for which a citation has been issued under section
 14 88.7, subsection 1, within the period permitted for its
 15 correction, may be assessed a civil penalty of not more than
 16 ~~seven thousand dollars~~ the maximum penalty amount set by the
 17 United States department of labor pursuant to the federal
 18 Occupational Safety and Health Act of 1970, Pub. L. No. 91-596,
 19 §17, codified at 29 U.S.C. §666, as amended, and the federal
 20 Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, for
 21 each day during which the failure or violation continues.
 22 The commissioner shall adopt rules pursuant to chapter 17A,
 23 in accordance with this subsection, that contain the maximum
 24 penalty amount for each day during which the failure or
 25 violation continues. The period for correction shall not
 26 begin until the date of the final order of the appeal board
 27 of any review proceeding under [section 88.8](#) initiated by the
 28 employer in good faith and not solely for delay or avoidance
 29 of penalties.

30 9. *Violation of posting requirements.* Any employer who
 31 violates any of the posting, reporting, or recordkeeping
 32 requirements under [this chapter](#), shall be assessed a civil
 33 penalty of ~~up to seven thousand dollars~~ not more than the
 34 maximum penalty amount set by the United States department
 35 of labor pursuant to the federal Occupational Safety and

1 Health Act of 1970, Pub. L. No. 91-596, §17, codified at 29
2 U.S.C. §666, as amended, and the federal Bipartisan Budget
3 Act of 2015, Pub. L. No. 114-74, §701, for each violation.
4 The commissioner shall adopt rules pursuant to chapter 17A,
5 in accordance with this subsection, that contain the maximum
6 penalty amount for each violation of any of the posting,
7 reporting, or recordkeeping requirements under this chapter.

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

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill strikes references to specific dollar amounts for
14 certain civil penalties under Code chapter 88, pertaining to
15 occupational safety and health, in order to comply with the
16 requirements of the federal Occupational Safety and Health
17 Act of 1970, Pub. L. No. 91-596, §17, codified at 29 U.S.C.
18 §666, as amended, and the federal Bipartisan Budget Act of
19 2015, Pub. L. No. 114-74, §701. These federal laws require
20 that the United States department of labor adjust such penalty
21 amounts annually and that states conform to the federal penalty
22 requirements. Such adjustments are based on changes in the
23 federal consumer price index.

24 The bill takes effect upon enactment.