



March 29, 2019

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# ENGROSSED HOUSE BILL No. 1341

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DIGEST OF HB 1341 (Updated March 27, 2019 12:48 pm - DI 132)

**Citations Affected:** IC 22-8.

**Synopsis:** Occupational safety and health. Creates a new civil penalty for certain occupational safety and health violations.

**Effective:** July 1, 2019.

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## Carbaugh, Morris, Beck

(SENATE SPONSORS — BROWN L, BUSCH)

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

February 14, 2019, amended, reported — Do Pass.

February 18, 2019, read second time, ordered engrossed. Engrossed.

February 19, 2019, read third time, passed. Yeas 96, nays 0.

#### SENATE ACTION

March 4, 2019, read first time and referred to Committee on Pensions and Labor.

March 28, 2019, amended, reported favorably — Do Pass.

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EH 1341—LS 7450/DI 113





March 29, 2019

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.

## ENGROSSED 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

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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, or  
6 order or this chapter, **where any such violation cannot**  
7 **reasonably be determined to have contributed to an employee**  
8 **fatality**, shall be assessed a civil penalty of not less than five  
9 thousand dollars (\$5,000) for each violation and may be assessed  
10 a civil penalty of up to seventy thousand dollars (\$70,000) for  
11 each violation.

12 **(7) An employer who knowingly violates any standard, rule,**  
13 **or order or this chapter, where any such violation can**  
14 **reasonably be determined to have contributed to an employee**  
15 **fatality, shall be assessed a civil penalty of not less than nine**  
16 **thousand four hundred seventy-two dollars (\$9,472) for each**  
17 **violation and may be assessed a civil penalty of up to one**  
18 **hundred thirty-two thousand five hundred ninety-eight**  
19 **dollars (\$132,598) for each violation.**

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



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1341, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "chapter" and insert "chapter, **resulting from an inspection under this chapter that does not involve an employee fatality,**".

Page 2, line 6, delete "chapter" and insert "chapter, **resulting from an inspection under this chapter that does not involve an employee fatality,**".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

**"(7) An employer who knowingly violates any standard, rule, order, or this chapter, resulting from an inspection under this chapter that involves an employee fatality, shall be assessed a civil penalty of not less than nine thousand four hundred seventy-two dollars (\$9,472) for each violation and may be assessed a civil penalty of up to one hundred thirty-two thousand five hundred ninety-eight dollars (\$132,598) for each violation."**

Page 2, delete lines 10 through 14.

Page 2, line 15, reset in roman "(b)".

Page 2, line 15, delete "(c)".

and when so amended that said bill do pass.

(Reference is to HB 1341 as introduced.)

VANNATTER

Committee Vote: yeas 13, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "chapter, resulting from an inspection under this" and insert "chapter".

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Page 2, line 4, delete "chapter that does not involve an employee fatality,".

Page 2, line 8, delete "order," and insert "**or** order".

Page 2, line 8, delete "resulting from an inspection under this" and insert "**where any such violation cannot reasonably be determined to have contributed to**".

Page 2, line 9, delete "chapter that does not involve".

Page 2, line 14, delete "order," and insert "**or order**".

Page 2, line 14, delete "resulting from an inspection under this" and insert "**where any such violation can reasonably be determined to have contributed to**".

Page 2, line 15, delete "chapter that involves".

and when so amended that said bill do pass.

(Reference is to HB 1341 as printed February 15, 2019.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 2.

