

HOUSE BILL No. 1326

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-8-1.1-27.1.

Synopsis: Occupational health and safety. Provides that the commissioner of labor or the commissioner's duly designated representative may assess a civil penalty of not less than the minimum civil penalty and not more than the maximum civil penalty adopted by the United States Occupational Safety and Health Administration under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 for an employer who violates certain health and safety standards.

Effective: July 1, 2024.

Carbaugh

January 10, 2024, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1326

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, AS AMENDED BY P.L.84-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 27.1. (a) The commissioner may assess ~~the~~
4 ~~following a civil penalties:~~ **penalty of not less than the minimum**
5 **civil penalty and not more than the maximum civil penalty adopted**
6 **by the United States Occupational Safety and Health**
7 **Administration under the Federal Civil Penalties Inflation**
8 **Adjustment Act Improvements Act of 2015 (P.L. 114-74, 129 Stat.**
9 **599) for any employer who:**
10 (1) ~~Any employer who~~ has received a safety order for violation of
11 any standard, rule, or order not of a serious nature; ~~may be~~
12 ~~assessed a civil penalty of up to seven thousand dollars (\$7,000)~~
13 ~~for each such violation.~~
14 (2) ~~Any employer who~~ has received a safety order for a serious
15 violation of any standard, rule, or order or this chapter; ~~may be~~
16 ~~assessed a civil penalty of up to seven thousand dollars (\$7,000)~~
17 ~~for each such violation.~~



1 (3) ~~Any employer who fails to correct a violation for which a~~
2 ~~safety order has been issued within the period permitted; may be~~
3 ~~assessed a civil penalty of up to seven thousand dollars (\$7,000)~~
4 ~~for each day during which the failure or violation continues.~~

5 (4) ~~Any employer who fails to comply with the posting~~
6 ~~requirements in this chapter; may be assessed a civil penalty of up~~
7 ~~to seven thousand dollars (\$7,000) for each violation.~~

8 (5) ~~Any employer who repeatedly violates any standard, rule, or~~
9 ~~order or this chapter; may be assessed a civil penalty of up to~~
10 ~~seventy thousand dollars (\$70,000) for each violation.~~

11 (6) ~~Any employer who knowingly violates any standard, rule, or~~
12 ~~order or this chapter, where any such violation cannot reasonably~~
13 ~~be determined to have contributed to an employee fatality; shall~~
14 ~~be assessed a civil penalty of not less than five thousand dollars~~
15 ~~(\$5,000) for each violation and may be assessed a civil penalty of~~
16 ~~up to seventy thousand dollars (\$70,000) for each violation. and~~

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

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

