ASSEMBLY BILL NO. 254–COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO REVIEW THE UNITED STATES DEPARTMENT OF LABOR'S REPORT
ON THE NEVADA OCCUPATIONAL SAFETY AND HEALTH PROGRAM)

MARCH 10, 2011
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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. (BDR 53-101)

FISCAL NOTE: Effect on Local Government: No.
　　　　　　　　　 Effect on the State: Yes.

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EXPLANATION – Matter in *__bolded italics__* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to occupational safety; providing for the issuance of a citation for certain occupational safety and health violations in the absence of the observation of the violation by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1　　Existing law provides that if, upon inspection or investigation, the
2　Administrator of the Division of Industrial Relations of the Department of Business
3　and Industry or the Administrator's authorized representative believes an employer
4　is in violation of the Nevada Occupational Safety and Health Act, the Division shall
5　issue a citation to the employer for the violation. (NRS 618.465)
6　　This bill provides that the Administrator or the authorized representative may
7　find a violation to have occurred based upon either: (1) the observation of the
8　violation by the Administrator or authorized representative during an inspection; or
9　(2) an investigation by the Administrator or authorized representative that
10　demonstrates the violation has occurred using depositions of witnesses, interviews
11　or other reasonable evidence in the absence of the observation of the violation by
12　the Administrator or authorized representative.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1   **Section 1.** NRS 618.465 is hereby amended to read as follows:
2   618.465 1. If, upon inspection or investigation, the
3   Administrator or the Administrator's authorized representative
4   believes that an employer has violated a requirement of this chapter,
5   or any standard, rule or order adopted or issued pursuant to this
6   chapter, the Division shall with reasonable promptness issue a
7   citation to the employer. Each citation must be in writing and
8   describe with particularity the nature of the violation, including a
9   reference to the section of this chapter or the provision of the
10   standard, rule, regulation or order alleged to have been violated. In
11   addition the citation must fix a reasonable time for the abatement of
12   the violation. The Administrator may prescribe procedures for the
13   issuance of a notice in lieu of a citation with respect to:
14   (a) Minor violations which have no direct or immediate
15   relationship to safety or health; and
16   (b) Violations which are not serious and which the employer
17   agrees to correct within a reasonable time.
18   2. *A citation issued under this section may be based upon:*
19   *(a) The observation of a violation by the Administrator or the*
20   *Administrator's authorized representative during an inspection; or*
21   *(b) An investigation by the Administrator or the*
22   *Administrator's authorized representative that relies upon*
23   *depositions of witnesses, interviews or other reasonable evidence*
24   *to demonstrate the existence of a violation in the absence of the*
25   *observation of the violation by the Administrator or the*
26   *Administrator's authorized representative.*
27   *3.* Each citation issued under this section, or a copy or copies
28   thereof, must be prominently posted as prescribed in regulations
29   adopted by the Administrator at or near each place a violation
30   referred to in the citation occurred.
31   **[3.]** *4.* No citation may be issued under this section after 6
32   months following the occurrence of any violation.

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