

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

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; revising provisions
governing the grounds for the issuance of a citation for
certain occupational safety and health violations;
providing for the issuance of a citation for certain
occupational safety and health violations upon a
determination by the Administrator of the Division of
Industrial Relations of the Department of Business and
Industry or the Administrator’s authorized representative
that any employee has access to a hazard; 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 a determination of the Administrator
- 8 or authorized representative that any employee has access to a hazard. This bill also
- 9 includes within the scope of behavior for which a citation may be issued the
- 10 violation of any provision of a settlement agreement entered into that relates to the
- 11 Nevada Occupational Safety and Health Act.



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 ~~for~~ any standard, rule or order adopted or issued pursuant to this
6 chapter, *or any provision of a settlement agreement entered into*
7 *relating to this chapter*, the Division shall with reasonable
8 promptness issue a citation to the employer. Each citation must be in
9 writing and describe with particularity the nature of the violation,
10 including a reference to the section of this chapter , ~~for~~ the
11 provision of the standard, rule, regulation or order , *or the provision*
12 *of the settlement agreement* alleged to have been violated. In
13 addition the citation must fix a reasonable time for the abatement of
14 the violation. The Administrator may prescribe procedures for the
15 issuance of a notice in lieu of a citation with respect to:

16 (a) Minor violations which have no direct or immediate
17 relationship to safety or health; and

18 (b) Violations which are not serious and which the employer
19 agrees to correct within a reasonable time.

20 2. *A citation issued under this section may be based upon a*
21 *determination of the Administrator or the Administrator's*
22 *authorized representative that any employee has access to a*
23 *hazard.*

24 3. Each citation issued under this section, or a copy or copies
25 thereof, must be prominently posted as prescribed in regulations
26 adopted by the Administrator at or near each place a violation
27 referred to in the citation occurred.

28 ~~3.~~ 4. No citation may be issued under this section after 6
29 months following the occurrence of any violation.

30 5. *The Administrator may adopt regulations to carry out the*
31 *provisions of this section.*

32 **Sec. 2.** This act becomes effective on January 1, 2012.

