

ASSEMBLY BILL NO. 253—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—Makes various changes concerning fines and
settlement agreements relating to occupational safety
and health. (BDR 53-100)

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 certain fines for
willful or repeated violations of the Nevada Occupational
Safety and Health Act; authorizing citations and fines for
violation of a settlement agreement; providing for a
survey of salaries of safety and mechanical inspectors;
and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the assessment of certain fines and punishments
for violations of the Nevada Occupational Safety and Health Act.
(NRS 618.625-618.715)

Sections 1-4 of this bill include within the scope of behavior that may trigger
certain fines or punishments the violation of any provision of a settlement
agreement entered into that relates to the Nevada Occupational Safety and Health
Act.

Section 2 of this bill increases the maximum and minimum fines for willfully
or repeatedly violating any requirement of the Nevada Occupational Safety and
Health Act. **Section 4** of this bill revises the punishment for a willful violation of
the Nevada Occupational Safety and Health Act that results in the death of an
employee by revising the fine that may be assessed for each such violation.

Section 5 of this bill requires the Department of Personnel to complete a survey
of the salaries of safety and mechanical inspectors and report its findings to the
Director of the Legislative Counsel Bureau by July 1, 2012.



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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, *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 , ~~{or}~~ 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. Each citation issued under this section, or a copy or copies
21 thereof, must be prominently posted as prescribed in regulations
22 adopted by the Administrator at or near each place a violation
23 referred to in the citation occurred.

24 3. No citation may be issued under this section after 6 months
25 following the occurrence of any violation.

26 **Sec. 2.** NRS 618.635 is hereby amended to read as follows:

27 618.635 Any employer who willfully or repeatedly violates
28 any requirements of this chapter, any standard, rule, regulation or
29 order promulgated or prescribed pursuant to this chapter, *or any*
30 *provision of a settlement agreement entered into relating to this*
31 *chapter* may be assessed an administrative fine of not more than
32 ~~[\$70,000]~~ *\$120,000* for each violation, but not less than ~~[\$5,000]~~
33 *\$8,000* for each willful violation.

34 **Sec. 3.** NRS 618.645 is hereby amended to read as follows:

35 618.645 Any employer who has received a citation for a
36 serious violation of any requirement of this chapter, ~~{or}~~ any
37 standard, rule, regulation or order promulgated or prescribed
38 pursuant to this chapter, *or any provision of a settlement agreement*
39 *entered into relating to this chapter* must be assessed an
40 administrative fine of not more than \$7,000 for each such violation.
41 If a violation is specifically determined to be of a nonserious nature
42 an administrative fine of not more than \$7,000 may be assessed.



1 **Sec. 4.** NRS 618.685 is hereby amended to read as follows:

2 618.685 Any employer who willfully violates any requirement
3 of this chapter, ~~for~~ any standard, rule, regulation or order
4 promulgated or prescribed pursuant to this chapter, *or any provision*
5 *of a settlement agreement entered into relating to this chapter,*
6 where the violation causes the death of any employee, shall be
7 punished:

8 1. For ~~a first offense,~~ *an employer who has more than 25*
9 *employees,* by a fine of not more than ~~[\$50,000]~~ *\$250,000 and not*
10 *less than \$50,000, or :*

11 (a) *For a first offense,* by imprisonment in the county jail for
12 not more than 6 months ~~or~~; *or*

13 (b) *For a second or subsequent offense, by imprisonment in*
14 *the county jail for not more than 1 year,*

15 ↪ *or by both fine and imprisonment.*

16 2. For ~~a second or subsequent offense,~~ *an employer who has*
17 *25 or fewer employees,* by a fine of not more than ~~[\$100,000]~~
18 *\$250,000 and not less than \$25,000, or :*

19 (a) *For a first offense,* by imprisonment in the county jail for
20 not more than *6 months;* *or*

21 (b) *For a second or subsequent offense, by imprisonment in*
22 *the county jail for not more than 1 year,*

23 ↪ *or by both fine and imprisonment.*

24 **Sec. 5.** 1. The Department of Personnel shall conduct a
25 survey of the salaries of safety and mechanical inspectors employed
26 by the Division of Industrial Relations of the Department of
27 Business and Industry, including, without limitation, salaries for
28 similar positions within the private sector.

29 2. The Department of Personnel shall seek to obtain relevant
30 information from public and private employers as part of the survey.
31 Any such information obtained by the Department may be used only
32 for the purpose of conducting the survey.

33 3. The Department of Personnel shall complete the survey and
34 submit a copy of its findings and recommendations on or before
35 July 1, 2012, to the Director of the Legislative Counsel Bureau for
36 distribution to the Interim Finance Committee.

37 **Sec. 6.** This act becomes effective on July 1, 2011.

