

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; 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:**

Existing law provides that if, upon inspection or investigation, the  
Administrator of the Division of Industrial Relations of the Department of Business  
and Industry or the Administrator’s authorized representative believes an employer  
is in violation of the Nevada Occupational Safety and Health Act, the Division shall  
issue a citation to the employer for the violation. (NRS 618.465)

This bill provides that the Administrator or the authorized representative may  
find a violation to have occurred based upon either: (1) the observation of the  
violation by the Administrator or authorized representative during an inspection; or  
(2) an investigation by the Administrator or authorized representative that  
demonstrates the violation has occurred using depositions of witnesses, interviews  
or other reasonable evidence in the absence of the observation of the violation by  
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.

