

Amendment No. 500

Assembly Amendment to Assembly Bill No. 290	(BDR 53-286)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/WLK



Date: 4/16/2019

A.B. No. 290—Revises provisions relating to occupational safety and health.
(BDR 53-286)



ASSEMBLY BILL NO. 290—ASSEMBLYWOMAN JAUREGUI

MARCH 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to occupational safety and health. (BDR 53-286)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; ~~requiring certain persons who successfully complete a course in construction industry safety and health hazard recognition to submit certain evidence thereof to the Division of Industrial Relations of the Department of Business and Industry;~~ requiring the Division of Industrial Relations of the Department of Business and Industry to establish registries to track trainers who provide courses in construction industry safety and health hazard recognition and persons who successfully complete such courses; revising provisions governing the duties of a trainer who provides courses in construction industry safety and health hazard recognition; revising provisions requiring certain employees on certain sites related to the entertainment industry to receive certain health and safety training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each construction worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in construction industry safety and health hazard recognition which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.983)

Section 5 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to establish registries to track: (1) construction workers, supervisory employees and other persons who have successfully completed certain courses in construction industry safety and health hazard recognition; and (2) persons who are authorized by the Occupational Safety and Health Administration of the United States Department of Labor as trainers to provide such courses. **Section 5** also : (1) prohibits the costs of establishing the registry of construction workers, supervisory employees and other persons who have successfully completed the courses from being borne by those workers, employees and persons ; and (2) requires the registry of persons who have successfully completed OSHA-10 courses or OSHA-30 courses to be accessible via an Internet website to enable the public to verify a person's completion of such a course.

Section 6 of this bill requires each trainer to: (1) register with the Division for tracking in its registry; and (2) report to the Division the name of each person who successfully completes a course in construction industry safety and health hazard recognition provided by the trainer.

Existing law requires each entertainment industry worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in general industry safety and health hazard recognition which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.9911) **Section 7** of this bill: (1) requires a worker to obtain a completion card within 15 days after the date he or she begins work on a site; and (2) exempts from this requirement a worker who is employed by a single employer for a period of less than 15 consecutive days.

~~[— Section 1 of this bill requires a person who obtains a completion card for a course in construction industry safety and health hazard recognition that is conducted online or in another state to submit a copy of his or her completion card for that course to the Division for tracking in its registry.]~~

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

Section 1. ~~[Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— A person who obtains a completion card for an OSHA-10 course or OSHA-30 course that is conducted:~~

~~1. Online by a provider of courses approved by the Division pursuant to subsection 1 of NRS 618.977; or~~

~~2. In another state;~~

~~— shall, not later than 15 days after being hired as a construction worker or a supervisory employee or arriving in this State, whichever is later, submit a photocopy of the completion card to the Division for tracking in the registry established pursuant to paragraph (c) of subsection 2 of NRS 618.977.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 618.950 is hereby amended to read as follows:~~

~~618.950 As used in NRS 618.950 to 618.990, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 618.953 to 618.967, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 618.970 is hereby amended to read as follows:~~

~~618.970 The provisions of NRS 618.950 to 618.990, inclusive, and section 1 of this act do not apply to:~~

~~1. The Department of Transportation; or~~

~~2. An employee of the Department of Transportation while performing his or her duties as an employee of the Department.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 618.973 is hereby amended to read as follows:~~

~~618.973 The Division may adopt such regulations as are necessary to carry out the provisions of NRS 618.950 to 618.990, inclusive [;], and section 1 of this act.] (Deleted by amendment.)~~

Sec. 5. NRS 618.977 is hereby amended to read as follows:

618.977 1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of NRS 618.983.

2. The Division shall establish ~~{+}~~ :

~~(a) A registry to track the providers of courses approved pursuant to subsection 1.~~

~~(b) A registry to track trainers, as defined in NRS 618.980; and~~

~~(c) (b) A registry to track construction workers, supervisory employees and other persons who have successfully completed OSHA-10 courses or OSHA-30 courses. The costs of establishing this registry must not be borne, directly or indirectly, by the construction workers, supervisory employees or other persons who are tracked in the registry.~~

3. The registry established pursuant to paragraph (b) of subsection 2 must be accessible via an Internet website to enable the public to verify whether a construction worker, supervisory employee or other person has successfully completed an OSHA-10 course or OSHA-30 course.

Sec. 6. NRS 618.980 is hereby amended to read as follows:

618.980 1. Each trainer shall ~~display~~:

(a) *Register with the Division.*

(b) *Display* his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or OSHA-30 course.

(c) *Report to the Division the name of each person who successfully completes an OSHA-10 course or OSHA-30 course provided by the trainer.*

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) "Trainer" means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 500, the Trainer Course *in Occupational Safety and Health Standards* for the Construction Industry.

(b) "Trainer card" means the card issued upon completion of OSHA 500, the Trainer Course *in Occupational Safety and Health Standards* for the Construction Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 7. NRS 618.9911 is hereby amended to read as follows:

618.9911 1. *The provisions of subsections 2 and 3 do not apply to a worker who is employed by a single employer for a period of less than 15 consecutive days.*

2. Not later than 15 days after the date a worker other than a supervisory employee ~~is hired,~~ *begins work on a site*, the worker must obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.9909.

~~2.~~ 3. Not later than 15 days after the date a supervisory employee ~~is hired,~~ *begins work on a site*, the supervisory employee must obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.9909.

~~3.~~ 4. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to NRS 618.9909 in an amount of:

1 (1) For a completion card issued for an OSHA-10 course, not less than 5
2 hours; or

3 (2) For a completion card issued for an OSHA-30 course, not less than 15
4 hours.

5 **Sec. 8.** NRS 618.9912 is hereby amended to read as follows:

6 618.9912 1. If a worker other than a supervisory employee fails to present
7 his or her employer with a current and valid completion card for an OSHA-10
8 course ~~not later than 15 days after being hired,~~ *as required pursuant to NRS*
9 *618.9911*, the employer shall suspend or terminate his or her employment.

10 2. If a supervisory employee on a site fails to present his or her employer with
11 a current and valid completion card for an OSHA-30 course ~~not later than 15 days~~
12 ~~after being hired,~~ *as required pursuant to NRS 618.9911*, the employer shall
13 suspend or terminate his or her employment.

14 **Sec. 9.** This act becomes effective:

15 1. Upon passage and approval for the purposes of performing any preparatory
16 administrative tasks and adopting any regulations necessary to carry out the
17 provisions of this act; and

18 2. On January 1, 2020, for all other purposes.