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Occupational Safety and Health Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Don L. Ipson

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LONG TITLE**Committee Note:**

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 7 absent

General Description:

This bill amends civil penalties related to occupational health and safety.

Highlighted Provisions:

This bill:

- increases certain Utah Occupational Health and Safety civil penalties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34A-6-307, as last amended by Laws of Utah 2022, Chapter 333

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-6-307** is amended to read:

34A-6-307 . Civil and criminal penalties.

(1)(a) The commission may assess civil penalties against an employer who has received a citation under Section 34A-6-302 as follows:

(i) except as provided in Subsections (1)(a)(ii) through (1)(a)(iv), the commission may assess up to [~~\$13,653~~] \$16,131 for each cited violation;

(ii) the commission may not assess more than [~~\$13,653~~] \$16,131 for each cited serious violation;

(iii) the commission may not assess less than [~~\$9,753~~] \$11,518 nor more than [~~\$136,532~~] \$161,323 for each cited willful violation;

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- 31 (iv) the commission may assess up to [~~\$136,532~~] \$161,323 for each cited violation if
32 the employer has previously been found to have violated the same standards, code,
33 rule, or order; and
- 34 (v) after the expiration of the time permitted to an employer to correct a cited
35 violation, the commission may assess up to [~~\$13,653~~] \$16,131 for each day the
36 violation continues uncorrected.
- 37 (b) For purposes of Subsection (1)(a)(ii), a violation is serious only if:
- 38 (i) [~~it~~] the violation arises from a condition, practice, method, operation, or process in
39 the workplace of which the employer knows or should know through the exercise
40 of reasonable diligence; and
- 41 (ii) there is a substantial possibility that the condition, practice, method, operation, or
42 process could result in death or serious physical harm.
- 43 (2) The commission may assess a civil penalty of up to [~~\$13,653~~] \$16,131 for each
44 violation of a posting requirement under this chapter.
- 45 (3) In deciding the amount to assess for a civil penalty, the commission shall consider all
46 relevant factors, including:
- 47 (a) the size of the employer's business;
- 48 (b) the nature of the violation;
- 49 (c) the employer's good faith or lack of good faith; and
- 50 (d) the employer's previous record of compliance or noncompliance with this chapter.
- 51 (4) A civil penalty collected under this chapter shall be paid into the General Fund.
- 52 (5)(a) Criminal penalties under this chapter are as follows:
- 53 (i) an employer who willfully violates a standard, code, rule, or order issued under
54 Section 34A-6-202, or a rule made under this chapter, is guilty of a class A
55 misdemeanor if the violation caused the death of an employee;
- 56 (ii) a person who gives advance notice of any inspection conducted under this chapter
57 without authority from the administrator or the administrator's representatives is
58 guilty of a class A misdemeanor; and
- 59 (iii) a person who knowingly makes a false statement, representation, or certification
60 in an application, a record, a report, a plan, or another document filed or required
61 to be maintained under this chapter is guilty of a class A misdemeanor.
- 62 (b) For purposes of Subsection (5)(a)(i), if the violation causes the death of more than
63 one employee, each death is considered a separate offense.
- 64 (6)(a) After a citation issued under this chapter and an opportunity for a hearing under

65 Title 63G, Chapter 4, Administrative Procedures Act, the division may file an
66 abstract for any uncollected citation penalty in the district court.

67 (b) The filed abstract described in Subsection (6)(a) [~~shall have~~] has the effect of a
68 judgment issued by that court.

69 (c) The abstract described in Subsection (6)(a) shall state the amount of:

70 (i) the uncollected citation penalty;

71 (ii) reasonable attorney fees as set by commission rule; and

72 (iii) court costs.

73 Section 2. **Effective Date.**

74 This bill takes effect on May 7, 2025.