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Occupational Safety and Health Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

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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;(iv) the commission may assess up to [~~\$136,532~~] \$161,323 for each cited violation if

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- 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.