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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**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 the employer has previously been found to have violated the same standards, code, rule, or order; and

(v) after the expiration of the time permitted to an employer to correct a cited

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

- 66 (c) The abstract described in Subsection (6)(a) shall state the amount of:
- 67 (i) the uncollected citation penalty;
- 68 (ii) reasonable attorney fees as set by commission rule; and
- 69 (iii) court costs.

70 **Section 2. Effective Date.**

71 This bill takes effect on May 7, 2025.