

1 AN ACT relating to occupational health and safety.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 338.991 is amended to read as follows:

- 4 (1) Any employer who willfully or repeatedly violates the requirement of any section of
5 this chapter, including any standard, regulation, or order promulgated pursuant to
6 this chapter, may be assessed a civil penalty of up to **one hundred thirty-six**
7 **thousand five hundred thirty dollars (\$136,530), as shall be adjusted as provided**
8 **in subsection (12) of this Act,**~~seventy thousand dollars (\$70,000)}~~ for each
9 violation, but not less than five thousand dollars (\$5,000) for each willful violation.
- 10 (2) Any employer who has received a citation for a serious violation of the
11 requirements of any section of this chapter, including any standard, regulation, or
12 order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to
13 **thirteen thousand six hundred fifty-three dollars (\$13,653), as shall be adjusted**
14 **as provided in subsection (12) of this Act,**~~seven thousand dollars (\$7,000)}~~ for
15 each violation.
- 16 (3) Any employer who has received a citation for a violation of the requirements of any
17 section of this chapter, including any standard, regulation, or order promulgated
18 pursuant to this chapter, and such violation is specifically determined not to be of a
19 serious nature, may be assessed a civil penalty of up to **thirteen thousand six**
20 **hundred fifty-three dollars (\$13,653), as shall be adjusted as provided in**
21 **subsection (12) of this Act,**~~seven thousand dollars (\$7,000)}~~ for each violation.
- 22 (4) Any employer who fails to correct a violation for which a citation has been issued
23 within the period permitted for its correction may be assessed a civil penalty of up
24 to **thirteen thousand six hundred fifty-three dollars (\$13,653), as shall be adjusted**
25 **as provided in subsection (12) of this Act,**~~seven thousand dollars (\$7,000)}~~ for
26 each day during which such failure or violation continues.
- 27 (5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be

- 1 assessed a civil penalty of up to ten thousand dollars (\$10,000) for each violation.
- 2 (6) The review commission shall have the authority to modify all civil penalties and
3 fines provided for in this chapter. The review commission may, at its discretion,
4 suspend the time period allotted for correction of a violation during the review of an
5 appeal from the violation in question.
- 6 (7) All civil penalties and fines collected under the provision of this chapter shall be
7 paid into the general fund.
- 8 (8) Any employer or individual who knowingly makes any false statement,
9 representation, or certification in any application, record, report, plan, or other
10 document filed or required to be maintained pursuant to this chapter shall, upon
11 conviction, be punished by a fine of not more than ten thousand dollars (\$10,000),
12 or by imprisonment for not more than six (6) months, or by both.
- 13 (9) Any person who gives advance notice of any investigation or inspection to be
14 conducted under this chapter, without authority from the commissioner, shall, upon
15 conviction, be punished by a fine of not more than one thousand dollars (\$1,000), or
16 by imprisonment for not more than six (6) months, or by both.
- 17 (10) Any employer or individual who willfully causes bodily harm to any authorized
18 representative of the commissioner while attempting to conduct an investigation or
19 inspection under the provisions of this chapter, shall, upon conviction, be punished
20 by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for
21 not more than one (1) year, or by both.
- 22 (11) As used in this section, a serious violation shall be deemed to exist in a place of
23 employment if there is a substantial probability that death or serious physical harm
24 could result from a condition which exists, or from one (1) or more practices,
25 means, methods, operations, or processes which have been adopted or are in use, in
26 such place of employment unless the employer did not, and could not with the
27 exercise of reasonable diligence, know of the presence of the violation.

1 (12) Beginning August 1, 2022, the secretary shall annually adjust the maximum civil
2 penalties provided for in subsections (1) to (4) of this section by the percentage
3 increase, if any, in the United States Average Consumer Price Index for All
4 Urban Customers (CPI-U) as published by the Bureau of Labor Statistics of the
5 United States Department of Labor, from its monthly average for the previous
6 calendar year. The amount of each adjustment to the maximum civil penalties
7 shall be rounded to the nearest whole dollar. Beginning August 1, 2022, the
8 secretary shall begin a three (3) year phase-in for the penalty adjustments. The
9 adjustments to the penalties shall be effective on each August 1. If the CPI-U is
10 discontinued or revised, such other historical index or computation approved by
11 the secretary shall be used for purposes of this section that would obtain
12 substantially the same result as if the CPI-U had not been discontinued or
13 revised.