GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 844
HOUSE BILL 736

AN ACT TO INCREASE THE CIVIL PENALTIES FOR VIOLATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-138(a) reads as rewritten:

"(a) Any employer who willfully or repeatedly violates the requirements of this Article, any standard, rule or order promulgated pursuant to this Article, or regulations prescribed pursuant to this Article, may upon the recommendation of the Director to the Commissioner be assessed by the Commissioner a civil penalty of not more than ~~ten thousand dollars ($10,000)~~ fourteen thousand dollars ($14,000) for each violation. Any employer who has received a citation for a serious violation of the requirements of this Article or any standard, rule, or order promulgated under this Article or of any regulation prescribed pursuant to this Article, shall be assessed by the Commissioner a civil penalty of up to ~~one thousand dollars ($1,000)~~ two thousand five hundred dollars ($2,500) for each such violation. If the violation is adjudged not to be of a serious nature, then the employer may be assessed a civil penalty of up to ~~one thousand dollars ($1,000)~~ one thousand five hundred dollars ($1,500) for each such violation. Any employer who fails to correct a violation for which a citation has been issued under this Article within the period allowed for its correction (which period shall not begin to run until the date of the final order of the Board in the case of any appeal proceedings in this Article initiated by the employer in good faith and not solely for the delay or avoidance of penalties), may be assessed a civil penalty of not more than one thousand dollars ($1,000). Such assessment shall be made to apply to each day during which such failure or violation continues. Any employer who violates any of the posting requirements, as prescribed under the provision of this Article, shall be assessed a civil penalty of not more than one thousand dollars ($1,000) for such violation. The Commissioner upon recommendation of the Director, or the Board in case of an appeal, shall have authority to assess all civil penalties provided by this Article, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer and the record of previous violations."

Sec. 2. This act shall become effective October 1, 1990.

In the General Assembly read three times and ratified this the 5th day of July, 1990.