

1  
2  
3  
4  
5  
6  
7  
8  
  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.376

Introduced by Representatives Botzow of Pownal, Marcotte of Coventry, and  
O’Sullivan of Burlington

Referred to Committee on

Date:

Subject: Labor; occupational safety and health; workers’ compensation

Statement of purpose of bill as introduced: This bill proposes to update the  
civil penalties under the Vermont Occupational Safety and Health Act.

An act relating to occupational safety and workers’ compensation

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 210 is amended to read:

§ 210. PENALTIES

(a) Upon issuance of a citation under this chapter, the Review Board is  
authorized to assess civil penalties for grounds provided in this subsection. In  
assessing civil penalties, the Review Board shall follow to the degree  
practicable the federal procedures prescribed in rules promulgated under the  
Act. The Review Board shall give due consideration to the appropriateness of  
the penalty with respect to the size of the business or operation of the employer  
being assessed, the gravity of the violation, the good faith of the employer, and  
the history of previous violations. Civil penalties shall be paid to the

1 Commissioner for deposit with the State Treasurer, and may be recovered in a  
2 civil action in the name of the State of Vermont brought in any court of  
3 competent jurisdiction. The Commissioner shall not reduce the assessed  
4 penalties in any fiscal year by more than 50 percent.

5 (1) Any employer who willfully or repeatedly violates the requirements  
6 of this Code or any standard, or rule adopted, or order ~~promulgated~~ issued  
7 pursuant to this Code ~~or regulations prescribed pursuant to this Code~~ may be  
8 assessed a civil penalty of not more than ~~\$70,000.00~~ \$126,749.00 for each  
9 violation, but not less than \$5,000.00 for each willful violation.

10 (2) Any employer who has received a citation for a serious violation of  
11 the requirements of this Code, or any standard, or rule adopted, or order  
12 ~~promulgated~~ issued pursuant to this Code, ~~or of any regulations prescribed~~  
13 ~~pursuant to this Code~~, shall be assessed a civil penalty of up to ~~\$7,000.00~~  
14 \$12,675.00 for each violation.

15 (3) Any employer who has received a citation for a violation of the  
16 requirements of this Code, or any standard, or rule adopted, or order  
17 ~~promulgated~~ issued pursuant to this Code ~~or of regulations prescribed pursuant~~  
18 ~~to this Code, and such violation~~ if the violation is specifically determined not  
19 to be of a serious nature, may be assessed a civil penalty of up to ~~\$7,000.00~~  
20 \$12,675.00 for each such violation.



