

November 1999

## AB 1127 – Signed into Law

On October 6, 1999, Governor Gray Davis signed Assemble Bill 1127 into law, making significant changes to the state Labor Code as it relates to safety and health.

**What does this mean?** For the first time in history, public agencies will be subject to fines and penalties for safety and health code violations beginning on January 1, 2000. Additionally, those fines and penalties have been increased significantly for companies and individuals (see CSRMA Bulletin, October 1999, “Have You Heard about AB1127?”).

**What Labor Codes were changed?** Below is a brief summary of the 12 state Labor Codes that have been amended as a result of AB1127:

- § 98.7: Extends the period of time an employee may file a CalOSHA discrimination complaint from 30 days to six (6) months.
- § 6304.5: Permits Title 8 standards to be entered into evidence in civil suits; makes inadmissible DOSH employee testimony about citation issuance, applicability of standards and their expert opinion.
- § 6309: Expands scope of “employee’s representation” whose complaints must be treated as formal by CalOSHA. Allocates inspection resources first to those complaints where time is of the essence. Requires inspections to be conducted within 24 hours for complaints of serious violations from state or local prosecutors.
- § 6400: Codifies DOSH’s multi-employer regulation in statute.
- § 6423: Increases fines and prison terms for certain Title 8 violations.
- § 6425: Increases fines and prison terms that a court may impose for willful violations causing an employee’s death or permanent or prolonged impairment.
- § 6428: Increases monetary penalty for a serious violation from a maximum of \$7,000 to \$25,000.
- § 6429: No penalty adjustment for good faith or history for repeat violations. DOSH must preserve records for at least seven (7) years.
- § 6430: Increases penalty for failure to abate violation from \$7,000 to \$15,000 per day; makes it a crime for employers who submit a false statement of abatement.
- § 6432: Eliminates the requirement that the Division prove “employer knowledge” of the presence of a serious violation. Presently, a serious violation does not exist if the employer can demonstrate that it did not and could not, “with the exercise of reasonable diligence,” know of the presence of the violation.
- § 6434: Eliminates exemption of public entities from civil penalties, but provides for reimbursement for schools under certain circumstances.
- § 6719: Reaffirms the state Legislature’s concern over repetitive motion injuries in the workplace and the CalOSHA Standards Board’s continuing duty to carry out Labor Code § 6357, the ergonomics provision.

A complete copy of AB1127 can be downloaded from the Internet at the following address:

[http://www.leginfo.ca.gov/pub/asm/ab\\_1101-1150](http://www.leginfo.ca.gov/pub/asm/ab_1101-1150)