

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1711

**Introduced by Committee on Labor and Employment (Swanson
(Chair), DeSaulnier, Galgiani, Laird, Leno, and Ruskin)**

February 28, 2007

An act to amend Section ~~6409.1~~ 6330 of the Labor Code, relating to occupational injury or illness.

LEGISLATIVE COUNSEL'S DIGEST

AB 1711, as amended, Committee on Labor and Employment.
Employment safety.

Existing law requires the Director of Industrial Relations to prepare and submit to the Legislature an annual report, containing specific information on the activities of the Division of Occupational Safety and Health.

This bill would require that the report include a summary of the activities of all advisory committees convened by the division or the Occupational Safety and Health Standards Board.

~~Existing law requires an employer to file with the Department of Industrial Relations a report of every occupational injury or illness. If the employee subsequently dies as the result of the reported illness or injury, the employer must file with the department an amended report indicating the death. In every case involving serious injury or illness the employer must also make an immediate report to the Division of Occupational Safety and Health by telephone. Employers who violate this subdivision will be subject to civil penalties including fines.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6330 of the Labor Code is amended to
2 read:
3 6330. (a) The director shall prepare and submit to the
4 Legislature, not later than March 1, an annual report on the division
5 activities. The report shall include, but need not be limited to, the
6 following information for the previous calendar year:
7 ~~(a)~~
8 (1) The amount of funds allocated and spent in enforcement,
9 education and research, and administration by the division.
10 ~~(b) Total~~
11 (2) *The total* inspections made, and *the total* citations issued by
12 the division.
13 (c)(3) The number of civil penalties assessed, *the* total amount
14 of fines collected, and the number of appeals heard.
15 ~~(d)~~
16 (4) The number of contractors referred to the Contractor’s State
17 License Board for hearing, pursuant to Section 7109.5 of the
18 Business and Professions Code, and the total number of these cases
19 resulting in suspension or revocation of a license.
20 ~~(e)~~
21 (5) The report from the division prepared by the Bureau of
22 Investigations for submission to the director pursuant to Section
23 6315.3.
24 ~~(f)~~
25 (6) Recommendations for legislation ~~which improves that~~
26 *improve* the ability of the division to provide safety in places of
27 employment.
28 (7) *A summary of the activities of all advisory committees*
29 *convened by the division or the Occupational Safety and Health*
30 *Standards Board, including information on any specific actions*
31 *taken by the division or the board based on the activity of an*
32 *advisory committee.*
33 (b) The report shall be made to the Speaker of the Assembly
34 and the ~~Chairman~~ *Chair* of the *Senate Committee on Rules*

1 ~~Committee of the Senate, for assignment to the appropriate~~
2 ~~committee or committees for evaluation.~~

3 ~~SECTION 1. Section 6409.1 of the Labor Code is amended to~~
4 ~~read:~~

5 ~~6409.1. (a) Every employer shall file a complete report of~~
6 ~~every occupational injury or occupational illness, as defined in~~
7 ~~subdivision (b) of Section 6409, to each employee which results~~
8 ~~in lost time beyond the date of the injury or illness, or which~~
9 ~~requires medical treatment beyond first aid, with the Department~~
10 ~~of Industrial Relations, through its Division of Labor Statistics~~
11 ~~and Research or, if an insured employer, with the insurer, on a~~
12 ~~form prescribed for that purpose by the Division of Labor Statistics~~
13 ~~and Research. A report shall be filed concerning each injury and~~
14 ~~illness that has or is alleged to have arisen out of and in the course~~
15 ~~of employment, within five days after the employer obtains~~
16 ~~knowledge of the injury or illness. Each report of occupational~~
17 ~~injury or occupational illness shall indicate the social security~~
18 ~~number of the injured employee. In the case of an insured~~
19 ~~employer, the insurer shall file with the division immediately upon~~
20 ~~receipt, a copy of the employer's report, which has been received~~
21 ~~from the insured employer. In the event an employer has filed a~~
22 ~~report of injury or illness pursuant to this subdivision and the~~
23 ~~employee subsequently dies as a result of the reported injury or~~
24 ~~illness, the employer shall file an amended report indicating the~~
25 ~~death with the Department of Industrial Relations, through its~~
26 ~~Division of Labor Statistics and Research or, if an insured~~
27 ~~employer, with the insurer, within five days after the employer is~~
28 ~~notified or learns of the death. A copy of any amended reports~~
29 ~~received by the insurer shall be filed with the division immediately~~
30 ~~upon receipt.~~

31 ~~(b) In every case involving a serious injury or illness, or death,~~
32 ~~in addition to the report required by subdivision (a), a report shall~~
33 ~~be made immediately by the employer to the Division of~~
34 ~~Occupational Safety and Health by telephone or telegraph. An~~
35 ~~employer who violates this subdivision may be assessed a civil~~
36 ~~penalty of not less than five thousand dollars (\$5,000). Nothing in~~
37 ~~this subdivision shall be construed to increase the maximum civil~~

- 1 penalty, pursuant to Sections 6427 to 6430, inclusive, that may be
- 2 imposed for a violation of this section.

O