

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
5 of 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 forty thousand**
7 **dollars (\$140,000), as shall be adjusted as provided in subsection (12) of this**
8 **section,**~~[seventy thousand dollars (\$70,000)]~~ for each violation, but not less than
9 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 **fourteen thousand dollars (\$14,000), as shall be adjusted as provided in**
14 **subsection (12) of this section,**~~[seven thousand dollars (\$7,000)]~~ for each violation.
- 15 (3) Any employer who has received a citation for a violation of the requirements of any
16 section of this chapter, including any standard, regulation, or order promulgated
17 pursuant to this chapter, and such violation is specifically determined not to be of a
18 serious nature, may be assessed a civil penalty of up to **fourteen thousand dollars**
19 **(\$14,000), as shall be adjusted as provided in subsection (12) of this**
20 **section,**~~[seven thousand dollars (\$7,000)]~~ for each violation.
- 21 (4) Any employer who fails to correct a violation for which a citation has been issued
22 within the period permitted for its correction may be assessed a civil penalty of up
23 to **fourteen thousand dollars (\$14,000), as shall be adjusted as provided in**
24 **subsection (12) of this section,**~~[seven thousand dollars (\$7,000)]~~ for each day
25 during which such failure or violation continues.
- 26 (5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be
27 assessed a civil penalty of up to ten thousand dollars (\$10,000) for each violation.

- 1 (6) The review commission shall have the authority to modify all civil penalties and
2 fines provided for in this chapter. The review commission may, at its discretion,
3 suspend the time period allotted for correction of a violation during the review of an
4 appeal from the violation in question.
- 5 (7) All civil penalties and fines collected under the provision of this chapter shall be
6 paid into the general fund.
- 7 (8) Any employer or individual who knowingly makes any false statement,
8 representation, or certification in any application, record, report, plan, or other
9 document filed or required to be maintained pursuant to this chapter shall, upon
10 conviction, be punished by a fine of not more than ten thousand dollars (\$10,000),
11 or by imprisonment for not more than six (6) months, or by both.
- 12 (9) Any person who gives advance notice of any investigation or inspection to be
13 conducted under this chapter, without authority from the commissioner, shall, upon
14 conviction, be punished by a fine of not more than one thousand dollars (\$1,000), or
15 by imprisonment for not more than six (6) months, or by both.
- 16 (10) Any employer or individual who willfully causes bodily harm to any authorized
17 representative of the commissioner while attempting to conduct an investigation or
18 inspection under the provisions of this chapter, shall, upon conviction, be punished
19 by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for
20 not more than one (1) year, or by both.
- 21 (11) As used in this section, a serious violation shall be deemed to exist in a place of
22 employment if there is a substantial probability that death or serious physical harm
23 could result from a condition which exists, or from one (1) or more practices,
24 means, methods, operations, or processes which have been adopted or are in use, in
25 such place of employment unless the employer did not, and could not with the
26 exercise of reasonable diligence, know of the presence of the violation.
- 27 **(12) Beginning August 1, 2025, the secretary shall annually adjust the maximum civil**

1 penalties provided for in subsections (1) to (4) of this section by the percent
2 increase in the nonseasonally adjusted annual average Consumer Price Index for
3 All Urban Consumers (CPI-U), U.S. City Average, All Items, between the two (2)
4 most recent calendar years available, as published by the United States Bureau of
5 Labor Statistics. The amount of each adjustment to the maximum civil penalties
6 shall be rounded to the nearest whole dollar. Beginning August 1, 2025, the
7 secretary shall begin a three (3) year phase-in for the penalty adjustments. The
8 adjustments to the penalties shall be effective on each August 1. If the CPI-U is
9 discontinued or revised, any other historical index or computation approved by
10 the secretary shall be used for purposes of this section that would obtain
11 substantially the same result as if the CPI-U had not been discontinued or
12 revised.