

338.991 Penalties.

- (1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to seventy thousand dollars (\$70,000) for each violation, but not less than five thousand dollars (\$5,000) for each willful violation.
- (2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each violation.
- (3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each violation.
- (4) Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each day during which such failure or violation continues.
- (5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be assessed a civil penalty of up to ten thousand dollars (\$10,000) for each violation.
- (6) The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.
- (7) All civil penalties and fines collected under the provision of this chapter shall be paid into the general fund.
- (8) Any employer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for not more than six (6) months, or by both.
- (9) Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than six (6) months, or by both.
- (10) Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment for not more than one (1) year, or by both.
- (11) As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm

could result from a condition which exists, or from one (1) or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1768, effective July 15, 2010. -- Amended 1992 Ky. Acts ch. 23, sec. 1, effective July 14, 1992. --Amended 1978 Ky. Acts ch. 123, sec. 3, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 311, sec. 3. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 7, sec. 3. -- Created 1972 Ky. Acts ch. 251, sec. 19.