



GOV. MSG. NO. **1226**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 14, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

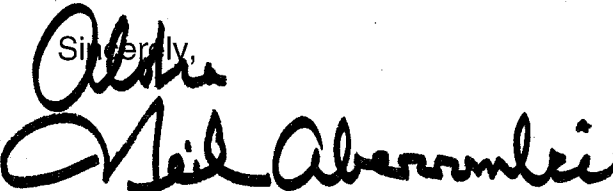
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 14, 2011, the following bill was signed into law:

SB1040 SD1 HD2

RELATING TO THE HAWAII OCCUPATIONAL
SAFETY AND HEALTH LAW.

Act 123 (11)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 396-10, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (b) and (c) to read:

4 "(b) Any employer who has received an order or citation
5 for a serious violation of any standard or rule adopted pursuant
6 to this chapter shall be assessed a civil penalty of not more
7 than [~~\$7,000~~] \$7,700 for each violation.

8 (c) Any employer who has received an order or citation for
9 a violation of any standard or rule adopted pursuant to this
10 chapter, and the violation is specifically determined not to be
11 of a serious nature, may be assessed a civil penalty of up to
12 [~~\$7,000~~] \$7,700 for each violation."

13 2. By amending subsections (e) to (i) to read:

14 "(e) Any employer who violates any of the posting
15 requirements prescribed under this chapter shall be assessed a
16 civil penalty of up to [~~\$7,000~~] \$7,700 for each violation.

17 (f) Any employer who wilfully or repeatedly violates this
18 chapter, or any standard, rule, citation, or order issued under



1 the authority of this chapter, shall be assessed a civil penalty
2 of not less than [~~\$5,000~~] \$5,500 nor more than [~~\$70,000~~] \$77,000
3 for each violation.

4 (g) Any employer convicted of wilful or repeated
5 [~~violation~~] violations of any standard, rule, citation, or order
6 issued under the authority of this chapter resulting in the
7 death of an employee shall be punished by a fine of not more
8 than [~~\$70,000~~] \$77,000 or by imprisonment for not more than six
9 months, or both, except that if the conviction is for a
10 violation committed after a first conviction, punishment shall
11 be by a fine of not more than [~~\$70,000~~] \$77,000 or by
12 imprisonment for not more than one year, or both. Failure to
13 correct a violation for which an order or citation of arrest has
14 been issued shall be evidence of wilful conduct.

15 (h) Any employer who has received an order for violation
16 under section 396-8(e) may be assessed a civil penalty of not
17 more than [~~\$1,000~~] \$1,100 for each violation.

18 (i) Any person who gives advance notice of any inspection
19 to be conducted under this chapter, without authority from the
20 director or the director's designees shall, upon conviction, be
21 punished by a fine of not more than [~~\$1,000~~] \$1,100 or by
22 imprisonment for not more than six months, or by both."



1 3. By amending subsections (m) and (n) to read:

2 " (m) Whoever knowingly makes any false statement,
3 representation, or certification in any application, record,
4 report, plan, or other document filed or required to be
5 maintained pursuant to this chapter shall, upon conviction, be
6 punished by a fine of not more than [~~\$10,000,~~] \$11,000, or by
7 imprisonment for not more than six months, or by both.

8 (n) Criminal offenses committed against any employee of
9 the State acting within the scope of the employee's office,
10 employment, or authority under this chapter shall be subject to
11 the penalties set forth in the Hawaii Penal Code; provided that:

12 (1) Ten years shall be added to the maximum term of
13 imprisonment (unless life imprisonment is imposed) and
14 [~~\$50,000~~] \$55,000 shall be added to the maximum fine
15 imposed for conviction of a class A felony;

16 (2) Five years shall be added to the maximum term of
17 imprisonment and [~~\$25,000~~] \$27,500 shall be added to
18 the maximum fine imposed for conviction of a class B
19 felony;

20 (3) Three years shall be added to the maximum term of
21 imprisonment and [~~\$10,000~~] \$11,000 shall be added to
22 the maximum fine for conviction of a class C felony;

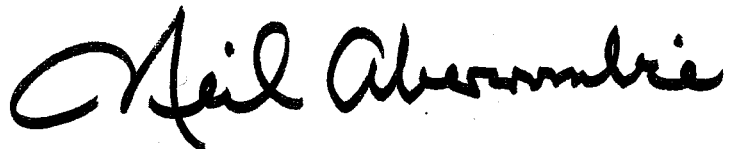


- 1 (4) One year shall be added to the maximum term of
2 imprisonment and [~~\$2,000~~] \$2,200 shall be added to the
3 maximum fine for conviction of a misdemeanor; and
4 (5) The maximum term of imprisonment and maximum fines
5 prescribed for misdemeanors under the Hawaii Penal
6 Code shall apply to convictions of a petty
7 misdemeanor."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 2011.

APPROVED this 14 day of JUN, 2011


GOVERNOR OF THE STATE OF HAWAII