

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1157

BY: WIDENER

AS INTRODUCED

AN ACT RELATING TO LABOR; AMENDING 40 O.S. 1981, SECTION 402, AS AMENDED BY SECTION 2, CHAPTER 147, O.S.L. 1984 AND SECTION 414, AS LAST AMENDED BY SECTION 3, CHAPTER 317, O.S.L. 1988 (40 O.S. SUPP. 1990, SECTIONS 402 AND 414), WHICH RELATE TO THE OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS ACT; ADDING AND DELETING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 1981, Section 402, as amended by Section 2, Chapter 147, O.S.L. 1984 (40 O.S. Supp. 1990, Section 402), is amended to read as follows:

Section 402. As used in the Oklahoma Occupational Health and Safety Standards Act:

1. "Employer" means the state and all its political subdivisions which has in its employ one or more individuals performing services for it in employment; and

~~2.~~ "Private employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any state or political subdivision of a state; and

~~3.~~ "Employee" means a person permitted to work by an employer in employment; and

~~3.~~ ~~4.~~ "Place of employment" means the plant or premises in or about which an employee is permitted to work; and

~~4.~~ ~~5.~~ "Department" means the Department of Labor; and

~~5.~~ ~~6.~~ "Commissioner" means the Commissioner of Labor; and

~~6.~~ ~~7.~~ "Division" means the Health and Safety Education and Training Division; and

~~7.~~ ~~8.~~ "Standard" has the same meaning as, and includes, the words "regulation", "code", and "rule"; and

9. "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death, or serious physical harm immediately; and

~~8.~~ ~~10.~~ "National consensus standards" means any occupational safety or health standard adopted under a consensus method by a nationally recognized standards-producing organization; and

~~9.~~ ~~11.~~ "Employment" includes all services for pay pursuant to a contract of hire except service in agricultural or domestic employment and sand, gravel and quarry operations.

SECTION 2. AMENDATORY 40 O.S. 1981, Section 414, as last amended by Section 3, Chapter 317, O.S.L. 1988 (40 O.S. Supp. 1990, Section 414), is amended to read as follows:

Section 414. A. The Commissioner shall not assert enforcement jurisdiction pursuant to Section 401 et seq. of this title over any occupational safety or health issue with respect to which a federal standard has been issued pursuant to Section (6) of Public Law 91-596, also known as the Williams-Steiger Occupational Safety and Health Act of 1970.

B. The Commissioner shall provide competent occupational safety and health consultation, education and training for private employers in coordination with the State Department of Vocational and Technical Education.

C. Such consultation shall be provided on a priority basis to those private employers which, based on their certification, have occupational injury and illness rates exceeding the national average incidence rate for private employers of similar character.

D. No such consultation shall be provided except upon written request by the private employer.

E. Except when a condition of "imminent danger" exists, no reports, communication, or other information regarding safety and health hazards discovered by the Commissioner, pursuant to the administration of Section 401 et seq. of this title, or his representative in the workplaces of private employers, shall be reported to any enforcement authority whatsoever.

F. The Commissioner may, in providing services to private employers upon request, refer private employers for participation in other safety and health consultation, education and training programs including but not limited to the programs authorized by Section 7(C)1 of Public Law 91-596.

G. The Commissioner may, upon request, refer qualifying private employers to programs operated by the U.S. Department of Labor for recognition or for exemption from inspection by the U.S. Department of Labor Occupational Safety and Health Administration.

H. The Commissioner shall certify successful participation in the occupational safety and health consultation, education and training program pursuant to the provisions of Section ~~4~~ 924.2 of ~~this act~~ Title 36 of the Oklahoma Statutes.

I. The Commissioner may promulgate such rules and regulations as may be necessary to implement the provisions of this section.

~~J. As used in this section:~~

~~1. "Private employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any state or political subdivision of a state; and~~

~~2. "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death, or serious physical harm immediately.~~

SECTION 3. This act shall become effective September 1, 1991.

43-1-5211

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