

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 of the Labor Code, relating to occupational injury or illness.

LEGISLATIVE COUNSEL'S DIGEST

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

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.
State-mandated local program: no.

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

1 SECTION 1. Section 6409.1 of the Labor Code is amended to
2 read:

1 6409.1. (a) Every employer shall file a complete report of
2 every occupational injury or occupational illness, as defined in
3 subdivision (b) of Section 6409, to each employee which results
4 in lost time beyond the date of the injury or illness, or which
5 requires medical treatment beyond first aid, with the Department
6 of Industrial Relations, through its Division of Labor Statistics
7 and Research or, if an insured employer, with the insurer, on a
8 form prescribed for that purpose by the Division of Labor Statistics
9 and Research. A report shall be filed concerning each injury and
10 illness ~~which~~ *that* has; or is alleged to have; arisen out of and in
11 the course of employment, within five days after the employer
12 obtains knowledge of the injury or illness. Each report of
13 occupational injury or occupational illness shall indicate the social
14 security number of the injured employee. In the case of an insured
15 employer, the insurer shall file with the division immediately upon
16 receipt, a copy of the employer's report, which has been received
17 from the insured employer. In the event an employer has filed a
18 report of injury or illness pursuant to this subdivision and the
19 employee subsequently dies as a result of the reported injury or
20 illness, the employer shall file an amended report indicating the
21 death with the Department of Industrial Relations, through its
22 Division of Labor Statistics and Research or, if an insured
23 employer, with the insurer, within five days after the employer is
24 notified or learns of the death. A copy of any amended reports
25 received by the insurer shall be filed with the division immediately
26 upon receipt.

27 (b) In every case involving a serious injury or illness, or death,
28 in addition to the report required by subdivision (a), a report shall
29 be made immediately by the employer to the Division of
30 Occupational Safety and Health by telephone or telegraph. An
31 employer who violates this subdivision may be assessed a civil
32 penalty of not less than five thousand dollars (\$5,000). Nothing in
33 this subdivision shall be construed to increase the maximum civil
34 penalty, pursuant to Sections 6427 to 6430, inclusive, that may be
35 imposed for a violation of this section.