

ASSEMBLY BILL

No. 2774

**Introduced by Committee on Labor and Employment (Monning
(Chair), Eng, Furutani, Ma, and Portantino)**

March 1, 2010

An act to amend Section 6432 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2774, as introduced, Committee on Labor and Employment. Health and safety: term defined.

Existing law defines the term “serious violation” for purposes of enforcement of health and safety regulations.

This bill would make nonsubstantive changes to this provision.

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 6432 of the Labor Code is amended to
2 read:
3 6432. (a) As used in this part, a “serious violation” shall be
4 deemed to exist in a place of employment if there is a substantial
5 probability that death or serious physical harm could result from
6 a violation, ~~including, but not limited to,~~ circumstances where
7 there is a substantial probability that either of the following could
8 result in death or great bodily injury:
9 (1) A serious exposure exceeding an established permissible
10 exposure limit.

1 (2) The existence of one or more practices, means, methods,
2 operations, or processes which have been adopted or are in use;
3 in the place of employment.

4 (b) Notwithstanding subdivision (a), a serious violation shall
5 not be deemed to exist if the employer can demonstrate that it did
6 not, and could not with the exercise of reasonable diligence, know
7 of the presence of the violation.

8 (c) As used in this section, “substantial probability” refers not
9 to the probability that an accident or exposure will occur as a result
10 of the violation, but rather to the probability that death or serious
11 physical harm will result assuming an accident or exposure occurs
12 as a result of the violation.