

**Assembly Bill No. 1165**

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Passed the Assembly September 11, 2013

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*Chief Clerk of the Assembly*

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Passed the Senate September 11, 2013

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 6600 of the Labor Code, relating to employment.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1165, Skinner. Occupational safety and health: violations.

Existing law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations to enforce employment safety laws. Existing law authorizes the division to conduct hearings, inspections, and investigations regarding alleged violations of employment safety laws and to issue a citation or notice to employers. Existing law establishes the Occupational Safety and Health Appeals Board in the department, and prescribes procedures for the appeals board to hear and decide employer appeals of a citation or notice.

This bill would provide that an appeal of a citation or notice, as specified, that is classified and cited as a serious violation, repeat serious violation, willful serious violation, or failure to abate shall not stay abatement dates and requirements. The bill would require the division to stay the abatement for a serious violation, repeat serious violation, willful serious violation, or failure to abate, if it makes a specified determination. The bill would authorize the division to stay an abatement requirement while a motion to stay an abatement is pending. The bill would authorize an employer to request an expedited appeal from the appeals board and would require the appeals board to conduct an expedited hearing in accordance with specified regulations.

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

SECTION 1. Section 6600 of the Labor Code is amended to read:

6600. (a) An employer served with a citation or notice pursuant to Section 6317, or a notice of proposed penalty under this part, or any other person obligated to the employer as specified in subdivision (b) of Section 6319, may appeal to the appeals board within 15 working days from the receipt of the citation or notice

with respect to violations alleged by the division, abatement periods, amount of proposed penalties, and the reasonableness of the changes required by the division to abate the condition.

(b) (1) When either abatement is on appeal or abatement has not occurred, an appeal of a citation or notice pursuant to Section 6317 that is classified and cited as a serious violation, repeat serious violation, willful serious violation, or failure to abate shall not stay the abatement dates and requirements.

(2) An employer may request a stay of abatement from the division.

(3) The division shall stay the abatement for a serious violation, repeat serious violation, willful serious violation, or failure to abate, if the division determines that there is a substantial likelihood of success by the employer on the contested matters and that a stay will not adversely affect the health and safety of employees.

(c) The division may stay an abatement requirement while a motion to stay an abatement is pending.

(d) The employer may request an expedited appeal from the appeals board and the appeals board shall conduct an expedited hearing pursuant to regulations adopted by the appeals board pursuant to Section 373 of Title 8 of the California Code of Regulations.

Approved \_\_\_\_\_, 2013

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*Governor*