

ASSEMBLY BILL

No. 1703

Introduced by Assembly Member Hill

February 15, 2012

An act to add Article 6 (commencing with Section 8290) to Chapter 7 of Division 4 of the Public Utilities Code, relating to public utility employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1703, as introduced, Hill. Public utilities: reporting: safety issues.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

This bill would require a public utility to file a completed report with the commission within 30 days as to any final judgment, arbitration award, compromise, or settlement in excess of \$50,000 in any civil action brought by an employee, former employee, contractor, or subcontractor of the utility against the utility regarding safety issues that could jeopardize the lives or health of Californians. The bill would authorize the commission to limit this reporting requirement to those particular types of claims that the commission determines are likely to involve claims or allegations that could jeopardize the lives or health of Californians. The bill would require the commission to develop and adopt the report form to be used by a public utility to comply with this reporting requirement. The bill would require specified civil penalties to be imposed for a violation of these requirements.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of these requirements of the commission would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Article 6 (commencing with Section 8290) is
2 added to Chapter 7 of Division 4 of the Public Utilities Code, to
3 read:

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Article 6. Reporting Civil Actions

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8290. (a) (1) Every public utility shall file a completed report
8 with the commission within 30 days as to any final judgment,
9 arbitration award, compromise, or settlement in excess of fifty
10 thousand dollars (\$50,000) in any civil action brought by an
11 employee, former employee, contractor, or subcontractor of the
12 utility against the utility regarding safety issues that could
13 jeopardize the lives or health of Californians.

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(2) The commission may limit the duty to report pursuant to
paragraph (1) to those particular types of claims that the
commission determines are likely to involve claims or allegations
that could jeopardize the lives or health of Californians.

(3) The commission shall develop and adopt a report form to
be used by a public utility to comply with the requirements of
paragraph (1). Until the commission adopts a report form, the
report shall include a copy of the complaint or claim made by the
employee, former employee, contractor, or subcontractor and any
written judgment, arbitration award, or agreement for the
compromise or settlement of an action or claim.

(b) (1) The commission shall assess a penalty of not more than
one million dollars (\$1,000,000) against a public utility for a willful
failure to comply with the requirements of subdivision (a).

1 (2) The commission shall assess a penalty of not more than five
2 hundred thousand dollars (\$500,000) for a negligent failure to
3 comply with the requirements of subdivision (a).

4 (3) The commission may enforce and collect a penalty pursuant
5 to Chapter 11 (commencing with Section 2100) of Part 1 of
6 Division 1.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.