

January 29, 2009

H 23. STRENGTHEN CHILD LABOR VIOLATION PENALTIES. Filed 1/29/09. *AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.*

Civil Penalties. Amends GS 95-25.23(a) to increase the civil penalty for violations of GS 95-25.5 (regarding youth employment) or any regulations issued under that statute to \$500 for the first violation (was, \$250). Additionally provides that the fine for each subsequent violation is not to exceed \$1,000.

Amends 95-25.23A (a) to increase the maximum civil penalty per investigation for violations of GS 95-25.15(b) (regarding employer's records of employees) to \$2,000 (was, \$1,000). Clarifies that each of the listed factors is to be considered in determining the amount of the penalty. Expands the list of factors to include consideration as to whether the violation involves an employee less than 18 years of age. Amends GS 95-25.15(b) to require that an employer include the ages of employees in the records of persons employed.

Amends GS 95-138 (regarding civil penalties for violations of the Occupational Safety and Health Act of North Carolina [OSHANC]) to add a penalty of up to \$14,000 against an employer for each serious violation of OSHANC that involves injury to or endangerment of an employee less than 18 years of age. Provides for a penalty of up to \$7,000 against an employer for each serious violation that does *not* involve injury to or endangerment of an employee less than 18 years of age (was, assessed a penalty of up to \$7,000 for each serious violation). Expands the list of factors to be used in determining if a penalty is appropriate to include the consideration of whether the violation involves injury to or endangerment of an employee less than 18 years of age.

Criminal Penalties. Amends GS 95-139 to enact a new subsection providing criminal penalties for any employer who willfully violates OSHANC and the violation causes the death of any employee less than 18 years of age. Makes such a violation a Class 2 misdemeanor, which may include a fine of up to \$20,000, except if it is a conviction for a subsequent violation committed after a first conviction, in which case the violation is a Class 1 misdemeanor and may include a fine of up to \$40,000.

Provides that this statute does not prohibit a state prosecutor from pursuing charges of any degree of willful or culpable homicide against the employer. Directs that any person who provides advance notice of an inspection under OSHANC without authority to do so is guilty of a Class 2 misdemeanor. Also provides that any person who knowingly makes any falsifications of any documents pertaining to an employee less than 18 years of age that are filed or maintained under OSHANC regulations is guilty of a Class 2 misdemeanor, which may include a fine of not more than \$20,000.

Effective December 1, 2009.

Intro. by Weiss, Luebke, Bryant, Goodwin.

GS 95

March 12, 2009

H 23. STRENGTHEN CHILD LABOR VIOLATION PENALTIES. Filed 1/29/09. House committee substitute makes the following changes to 1st edition.

Deletes proposed changes to GS 95-138(a) that (1) added a penalty of up to \$14,000 against an employer for each serious violation of the Occupational Safety and Health Act of North Carolina (OSHANC) that involves injury to, or endangerment of, an employee less than 18 years of age and (2) set the penalty of up to \$7,000 against an employer for each serious violation that did *not* involve injury to, or endangerment of, an employee less than 18 years of age. Amends GS 95-138(b) to provide that a factor in determining if a penalty is appropriate is consideration of whether the violation involves injury (was, injury or endangerment) of an employee less than 18 years of age.

Amends GS 95-139 to make it a willful violation of GS Chapter 95, Article 16 (OSHANC), by an employer that causes the death of an employee 18 years of age or older (was, any employee) a Class 2 misdemeanor subject to a fine of not more than \$10,000. Provides that if an employer is convicted of more than one violation under proposed new subsections (a) and (b) of GS 95-139, the subsequent violations are to be penalized as follows: (1) if the subsequent violation results in

the death of an employee 18 years or older, it is a Class 1 misdemeanor subject to a fine of not more than \$20,000 and (2) if the subsequent violation results in the death of an employee under 18 years of age, it is a Class 1 misdemeanor subject to a fine of not more than \$40,000. Also provides that any person who knowingly makes any falsifications of any documents pertaining to an employee more than 18 years of age that are filed or maintained under OSHANC regulations is guilty of a Class 2 misdemeanor, which may include a fine of not more than \$10,000. Makes organizational and technical changes.

Specifies that this act applies to violations occurring or offenses committed on or after the effective date of December 1, 2009.

June 30, 2009

H 23. STRENGTHEN CHILD LABOR VIOLATION PENALTIES. Filed 1/29/09. Senate committee substitute makes the following changes to 2nd edition. Amends GS 95-138 to increase civil penalty to \$14,000 for serious violations that involve injury to an employee under the age of 18 years.

July 27, 2009

SL 2009-351 (H 23). STRENGTHEN CHILD LABOR VIOLATION PENALTIES. AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS. Summarized in *Daily Bulletin* 1/29/09, 3/12/09, and 6/30/09. Enacted July 27, 2009. Effective December 1, 2009.