

H. B. 4353

(By Delegates D. Poling, Ferro, Guthrie, Storch, Moye, Swartzmiller, Jones, Young, Marshall and Diserio

[Introduced January 28, 2014; referred to the Committee on Industry & Labor then the Judiciary.]

FISCAL NOTE

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-3-22, relating to requiring onsite employees at certain public and private construction projects to complete an Occupational Safety and Health Administration (OSHA) approved 10-hour construction safety program prior to beginning work; providing criminal penalties; and providing exemptions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §21-3-22, to read as follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-22. OSHA safety construction program.

(a) A person submitting a bid for, or signing a contract to work on, the construction, reconstruction, alteration, remodeling

1 or repairs of any public or private work where the total cost of
2 all work to be performed by all contractors and subcontractors in
3 connection with the contract is at least a cost of \$25,000 or more,
4 shall have an Occupational Safety and Health Administration (OSHA)
5 10-hour construction safety program for their on-site employees.
6 However, single family home construction is excluded.

7 (1) All employees are required to complete the program prior
8 to beginning work. The training program shall utilize an
9 OSHA-approved curriculum. Graduates shall receive a card from OSHA
10 certifying the successful completion of the training program.

11 (2) An employee found on a worksite subject to this section
12 without documentation of successful completion of a course in
13 construction safety and health approved by the United States
14 Occupational Safety and Health Administration that is at least ten
15 hours in duration is subject to immediate removal.

16 (3) All contractors and subcontractors must attach a copy of
17 proof of completion of the OSHA 10-hour course by submitting a
18 course completion card issued by the Federal Occupational Safety
19 and Health Administration Training Institute to the first certified
20 payroll submitted to the contracting agency and on each succeeding
21 payroll where a new or additional employee is first listed.

22 (b) Any person who, with knowledge that a document or other
23 record falsely represents that a person has completed the training

1 program identified in this section, provides or exhibits the
2 document or record to the commissioner of labor or to his or her
3 designee or to an employer, or is otherwise in noncompliance of
4 this section, is guilty of a misdemeanor and, upon conviction
5 thereof, shall be fined not less than \$250 nor more than \$2,500, or
6 confined in jail for not less than one nor more than thirty days,
7 or both fined and confined.

8 (c) The following individuals are exempt from the requirements
9 of the OSHA 10-hour construction safety program:

10 (1) Law-enforcement officers involved with traffic control or
11 job site security;

12 (2) Relevant federal, state and municipal government employees
13 and inspectors; and

14 (3) All delivery personnel.

NOTE: The purpose of this bill is to require onsite employees at certain public and private construction projects to complete an Occupational Safety and Health Administration (OSHA) approved 10-hour construction safety program prior to beginning work. The bill provides criminal penalties. The bill also provides exemptions.

This section is new; therefore, it has been completely underscored.