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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO SAFETY AWARENESS

Introduced By: Senators Ruggerio, Lanzi, Badeau, Paiva-Weed, and Ciccone

Date Introduced: February 13, 2003

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-20-35 of the General Laws in Chapter 28-20 entitled "Division
2 of Occupational Safety" is hereby repealed.

3 ~~**28-20-35. Safety awareness program required.** -- (a) All contractors who bid on
4 municipal and state construction projects with a total project cost of one hundred thousand dollars
5 (\$100,000) or more, shall have an OSHA "ten hour construction safety program" for their on-site
6 employees. The training program shall utilize instructors trained by the occupational safety and
7 health administration, using an OSHA approved curriculum. Graduates shall receive a card from
8 the U.S. department of labor occupational safety and health administration certifying the
9 successful completion of the training course.~~

10 ~~(b) The director of the department of labor and training shall promulgate rules,
11 regulations, and penalties to enforce the provisions of this section.~~

12 SECTION 2. Title 37 of the General Laws entitled "Public Property and Works" is
13 hereby amended by adding thereto the following chapter:

14 CHAPTER 23

15 SAFETY AWARENESS PROGRAMS

16 **37-23-1. Safety awareness program required.** -- (a) All contractors performing work
17 on municipal and state construction projects with a total project cost of one hundred thousand
18 dollars (\$100,000) or more, shall have an OSHA "ten (10) hour construction safety program" for
19 their on-site employees. The training program shall utilize instructors trained by the occupational

1 safety and health administration, using an OSHA approved curriculum. Graduates shall receive a
2 card from the U.S. department of labor occupational safety and health administration certifying
3 the successful completion of the training course.

4 (b) Every person shall have a card issued by the U.S. department of labor occupational
5 safety and health administration certifying their successful completion of the OSHA ten (10) hour
6 training program as required by RIGL section 37-23-1 on their person at all times while work is
7 actually being performed on municipal and state construction projects. No person shall transfer
8 their card certifying their successful completion of the OSHA ten (10) hour training program to
9 another person. Failure to comply with this section shall subject the holder to penalties
10 prescribed by the director of the department of labor and training.

11 (c) The director of the department of labor and training shall promulgate rules,
12 regulations, and penalties to enforce the provisions of this section.

13 **37-23-2. Board of safety awareness created.** – There is hereby established, within the
14 Division of Professional Regulation, a Board of Safety Awareness, hereinafter referred to as "the
15 board", which shall at all times consist of nine (9) qualified electors of the state, all of whom shall
16 have successfully completed the OSHA ten (10) hour construction safety program.

17 Annually, on or before January 31st, the director of labor and training shall appoint a
18 member or members of the board to succeed the member or members whose term is at that time
19 expiring who shall serve for three (3) years or until his/her successor is appointed and qualified.
20 Any vacancy, which may occur in the board from any cause, shall be filled by the director for the
21 remainder of the unexpired term. In the interest of maintaining consistency, the nine (9) members
22 initially appointed to the Board of Safety Awareness will serve staggered term as follows: the
23 three (3) officers will serve a three (3) year term; three (3) members will serve a two (2) year
24 term; and three (3) members will serve a one (1) year term.

25 The board shall elect from its membership a chairperson, who shall have obtained at least
26 a minimum of the thirty (30) hour construction safety program as it pertains to the construction
27 sector under OSHA regulations 1926.

28 The board shall also elect from its membership a vice-chairperson and a secretary, both
29 of whom shall have obtained at least a minimum of the thirty (30) hour construction safety
30 program as it pertains to the construction sector under OSHA regulations 1926.

31 The board shall advise and assist the division of professional regulation on promoting and
32 promulgating such policies as may be necessary to improve safety on construction worksites
33 subject to the approval of the director.

34 The board may recommend to the director of labor and training, the replacement of a

1 member who misses three (3) consecutive regularly scheduled monthly meetings.

2 The final authority on all questions of procedure and parliamentary law not covered by
3 the rules/bylaws of this board or by the Administrative Procedures Act of the State of Rhode
4 Island shall be Robert's Rules of Order.

5 There shall be a chief investigator for the division who shall have obtained at least a
6 minimum of the thirty (30) hour construction safety program as it pertains to the construction
7 sector under OSHA regulations 1926. He or she shall be appointed by the director of labor and
8 training, upon recommendation from the board of safety awareness, and the position shall be in
9 the classified service.

10 There shall be a secretary for the safety awareness section who is in the classified service.

11 **37-23-3. Definitions.** – (a) "On-site Employee" may be regarded as any private person
12 or entity bound by a contractual agreement to provide goods or services to a contractor/developer
13 that must physically enter the place where work is being performed or business being conducted.

14 (b) "Violator(s)" may include, but not be limited, to construction workers, contractors,
15 project developers, site managers, and/or any other individual(s) working on a jobsite.

16 (c) "Division" shall mean the division of professional regulation within the department of
17 labor and training.

18 (d) "Board" shall mean the board of safety awareness.

19 **37-23-4. Exemptions.** – The following individuals are exempt from the requirements of
20 the OSHA ten (10) hour construction safety program;

21 (a) Law enforcement officers dealing with traffic control and/or jobsite security.

22 (b) All relevant federal, state and municipal government inspectors.

23 **37-23-5. Training program.** – The Board of Safety Awareness has endorsed the
24 Occupational Safety and Health Administration's (OSHA) Outreach Training Program as the
25 training program through which OSHA authorizes trainers to teach ten (10) hour and thirty (30)
26 hour construction industry occupational safety and health standards, through which successful
27 completion shall be documented.

28 **37-23-6. Work for which OSHA ten (10) hour construction safety program is**
29 **required** – No person, firm, entity, or corporation shall enter into, engage in, solicit, advertise,
30 bid for, or work on municipal and/or state construction projects with a total project cost of one
31 hundred thousand dollars (\$100,000) or more unless that person, firm, entity or corporation has
32 an OSHA ten (10) hour construction safety program for their on-site employees.

33 **37-23-7. Inspection and right of entry.** – Authorized staff of the department shall have
34 the right and authority to enter, during times at which work is actually being performed all

1 municipal and state construction projects for the purpose of ascertaining compliance.

2 **37-23-8. Investigation and prosecution of violations.** – Authorized staff of the
3 department shall enforce all provisions of law relative to the certification of the successful
4 completion of the OSHA ten (10) hour construction safety program. Whenever a complaint is
5 made to the director that the provisions of this chapter are being violated, the director may issue
6 an order to cease and desist from said violation. The director shall thereupon order an
7 administrative penalty on any person, firm, entity or corporation for any violation of the
8 provisions of this chapter, in the amount of not less than two hundred fifty dollars (\$250) nor
9 more than nine hundred and fifty dollars (\$950) per offense on each day in which a violation
10 occurs, or the complaint may be dismissed in accordance with the recommendations.

11 **37-23-9. Subpoena of a witness.** – The department of labor and training shall have the
12 power to subpoena and bring before it or the board of safety awareness any witness to give
13 testimony either orally or by deposition, or both.

14 **37-23-10. Administration of oaths.** – The director of the department of labor and
15 training and his/her designees shall have the authority to administer oaths to witnesses at a
16 hearing, which the department has authorized by law to conduct, and any other oaths authorized
17 or administered by the department.

18 **37-23-11. Appeals.** – Any person, firm, entity or corporation who has been assessed a
19 penalty may appeal such to the director within twenty (20) days of receipt of the cease and desist
20 order. The director of the department of labor and training shall refer said appeal to the board.
21 The board, upon completion of any appeal held on a verified complaint, shall present to the
22 director of labor and training, a written report of its findings and recommendations. The director
23 may accept or reject, in whole or in part, the recommended order of the board. The order of the
24 director is final, and a copy of the order shall be immediately served upon the person, firm, or
25 corporation assessed.

26 **37-23-12. Penalties for nonpayment.** – Any person, firm, entity, or corporation who has
27 violated chapter 23 of title 37, whether duly registered with the office of the secretary of state or
28 not, and has been levied a fine by the director of labor and training, is hereby required to submit
29 penalties due to the department of labor and training, within thirty (30) days of notice of the
30 penalty, or the director of labor and training shall have the power to institute injunction
31 proceedings in superior court.

32 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO SAFETY AWARENESS

- 1 This act would add a chapter to the Rhode Island General Laws for enforcement of safety
- 2 awareness programs.
- 3 This act would take effect upon passage.

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