

SENATE BILL 2164

By Burks

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 3, Part 14 and Title 50, relative to  
occupational health and safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 3, Part 4, is amended by adding the following language as a new, appropriately designated section:

50-3-410.

(a) An employer who has received a citation for a violation of this chapter or standard or regulation promulgated pursuant to this chapter, or a notice of penalty under §§ 50-3-402 — 50-3-407 and § 50-3-408, may appeal to the commission within fifteen (15) business days from the receipt of the citation or notice with respect to violations alleged by the division, injunctive relief, amount of proposed penalties, and the reasonableness of the changes required by the division to correct the violation within the period of correction of the citation.

(b)

(1) An appeal of a citation or notice pursuant to § 50-3-307 that is classified and cited as a willful violation, repeat violation or failure to correct the violation shall not stay the injunctive relief.

(2) An employer may request injunctive relief pursuant to § 50-3-401.

(3) The commissioner shall stay the injunction for a willful violation, repeat violation or failure to correct the violation, 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 injunctive relief while a motion to stay an abatement is pending.

(d) The employer may request an expedited appeal pursuant to § 50-3-806.

SECTION 2. The commissioner of the department of labor and workforce development is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, title 4, chapter 5.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.