



CHAPTER 95

ARTICLE 16 - OCCUPATIONAL SAFETY AND HEALTH ACT OF NORTH CAROLINA

N.C.G.S. § 95-139.

Criminal penalties.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2009-351, s. 5 — fourth act in the lineage	21 September 2026, 04:03 UTC	136723853a2474e6f8b92493 - b00048a8cb7048cb4a217028 - dbaf032d7a4dcdc0

§ 95-139(a) Any employer who willfully violates any standard, rule, regulation or order promulgated pursuant to the authority of this Article, and the violation causes the death of any employee 18 years of age or older, shall be guilty of a Class 2 misdemeanor, which may include a fine of not more than ten thousand dollars (\$10,000).

§ 95-139(b) Any employer who willfully violates any standard, rule, regulation, or order promulgated pursuant to the authority of this Article, and the violation causes the death of any employee under 18 years of age, shall be guilty of a Class 2 misdemeanor, which may include a fine of not more than twenty thousand dollars (\$20,000).

§ 95-139(c) If an employer is convicted of more than one violation of subsection (a) or (b) of this section, the subsequent violation shall be penalized as follows:

- (1) The employer shall be guilty of a Class 1 misdemeanor which may include a fine of not more than twenty thousand dollars (\$20,000) if the subsequent violation results in the death of an employee 18 years of age or older.
- (2) The employer shall be guilty of a Class 1 misdemeanor which may include a fine of not more than forty thousand dollars (\$40,000) if the subsequent violation results in the death of an employee under 18 years of age.

§ 95-139(d) This section shall not prevent any prosecuting officer of the State of North Carolina from proceeding against such employer on a prosecution charging any degree of willful or culpable homicide. Any person who gives advance notice of any inspection to be conducted under this Article, without authority from the Commissioner, Director,

or any of their agents to whom such authority has been delegated, shall be guilty of a Class 2 misdemeanor.

§ 95-139(e) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or any other document filed or required to be maintained pursuant to this Article, shall be guilty of a Class 2 misdemeanor, which may include a fine of (i) not more than ten thousand dollars (\$10,000) for falsifications pertaining to employees 18 years of age or older or (ii) not more than twenty thousand dollars (\$20,000) for falsifications pertaining to employees under 18 years of age.

§ 95-139(f) Whoever shall commit any kind of assault upon or whoever kills a person engaged in or on account of the performance of investigative, inspection, or law-enforcement functions shall be subject to prosecution under the general criminal laws of the State and upon such charges as the proper prosecuting officer shall charge or allege.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973		1991		2009	
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT		CHARACTER	
01	1973	c. 295, s. 14		ENACTED	
02	1993	c. 539, s. 671		AMENDED	
03	1994	Ex. Sess., c. 24, s. 14(c)		AMENDED	
04	2009	S.L. 2009-351, s. 5		AMENDED	

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 95-139 (2009).

PINPOINT

N.C. Gen. Stat. § 95-139(a) (2009).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 295, s. 14; 1993, c. 539, s. 671; 1994, Ex. Sess., c. 24, s. 14(c); 2009-351, s. 5.)

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