

Proposed Text

California Code of Regulations, title 8, section 334. Classification of Violations and Definitions.

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(d) Repeat Violation

~~(1) General~~ is a violation where the employer has ~~corrected~~ abated, or indicated ~~correction~~ abatement of an earlier violation, for which a citation was issued, and, upon a later inspection, ~~is found to have committed the same violation~~ the Division finds the same violation again within a period of three years immediately following the latest of: (1) the date of the final order affirming the existence of the previous violation cited in the underlying citation; (2) the date on which the underlying citation becomes final by operation of law; or (3) the date of final abatement of the violation cited in the underlying citation. For the purpose of considering whether a violation is repeated, a repeat violation will be based on prior violations cited within the State. ~~preceding the latter violation. For the purpose of considering whether a violation is repeated, a repeat citation issued to employers having fixed establishments (e.g., factories, terminals, stores . . .) will be limited to the cited establishment; for employers engaged in businesses having no fixed establishments (e.g., construction, painting, excavation . . .) a repeat violation will be based on prior violations cited within the same Region of the Division.~~

~~(2) Field Sanitation Violations~~ Is a violation of the State Field Sanitation Standard, currently set forth in 8 CCR 3457, or of the Federal Field Sanitation Standard, currently set forth in 29 CFR 1928.110, where the employer has corrected, or indicated correction of an earlier violation, for which a citation was issued, and upon a later inspection is found to have committed the same violation within a period of five years immediately preceding the latter violation. For the purpose of considering whether a violation is repeated, a repeat violation will be based on prior violations cited within the State.

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