

Chapter 45. Compensation, Medical Benefits, and Proceedings

Before the Alaska Workers' Compensation Board.

8 AAC 45.174 is repealed and readopted to read:

8 AAC 45.174. Uninsured employers. (a) Upon the verified petition of a person or upon its own motion, the department will investigate an employer who is alleged to be in violation of AS 23.30.075.

(b) At the request of the division and after a hearing, if the board finds an employer is in violation of AS 23.30.075, the board may issue a stop order prohibiting the use of employee labor by the employer. The order will be personally served upon the employer or his agent. A person authorized or designated by the commissioner to serve process in department proceedings may serve an order issued by the board under this section.

(c) At the request of the department and after investigation, if the director finds substantial evidence that an employer is in violation of AS 23.30.075, the director may issue a stop order prohibiting the use of employee labor by the employer. The order will be personally served upon the employer or his agent. A person authorized or designated by the commissioner to serve process in department proceedings may serve an order issued by the director under this section.

(d) A stop order issued in accordance with this section will be withdrawn, in accordance with AS 23.30.080(e), when the employer complies with AS 23.30.075.

(e) A hearing to determine if an employer failed to comply with a stop order issued under this section and should be assessed a civil penalty is a continuation of the administrative proceeding that began with the issuance of the stop order.

(f) The conducting of proceedings under this section does not affect the right of the department to seek criminal penalties against the employer under AS 23.30.075(b).

(g) Proceedings conducted under this section are subject to AS 44.62.330 – 44.62.630 (Administrative Procedure Act). (Eff. 5/28/83, Register 86; am 12/2/12, Register 204)

Authority: AS 23.30.005 AS 23.30.080

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An official version of the adopted regulations can be found at the State of Alaska's [Online Public Notice system](#).

The regulations have an effective date of 12/2/2012, are in Register 204, and will appear in official published form in the January 2013 supplement to the Alaska Administrative Code.