

Sec. 31-371-4. Objection to inspection

(a) Upon a refusal to permit an Occupational Safety and Health Officer, in the exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner operator, agent, or employee, in accordance with section 31-371-3, or to permit a representative of employees to accompany the Occupational Safety and Health Officer during the physical inspection of any work place, the Occupational Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, material, records, or interviews concerning which no objection is raised. The compliance safety and health officer shall endeavor to ascertain the reason for such refusal and shall immediately report the refusal and the reason therefor to the director. The director shall consult with the attorney general who shall take appropriate action, including compulsory process if necessary.

(b) Compulsory process may be sought in advance of an inspection or investigation if in the judgment of the director and the attorney general, circumstances exist which make preinspection process desirable or necessary.

(c) With the approval of the commissioner and the attorney general, compulsory process may also be obtained by the director or his designee.

(d) For the purpose of this section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent.

(Effective October 5, 1979)