



# SENATE BILL No. 90

January 13, 1993, Introduced by Senator HONIGMAN and referred to the Committee on Labor.

A bill to amend section 641 of Act No. 317 of the Public Acts of 1969, entitled as amended  
"Worker's disability compensation act of 1969,"  
as amended by Act No. 157 of the Public Acts of 1990, as amended,  
being section 418.641 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 641 of Act No. 317 of the Public Acts of  
2 1969, as amended by Act No. 157 of the Public Acts of 1990, as  
3 amended, being section 418.641 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 Sec. 641. (1) An employer who fails to comply with the pro-  
6 visions of section 611 ~~is guilty of a misdemeanor and~~ shall be  
7 ~~fined~~ ASSESSED A CIVIL PENALTY OF NOT MORE THAN \$1,000.00. ~~—~~  
8 ~~or imprisoned for not less than 30 days nor more than 6 months,~~  
9 ~~or both.~~ Each day's failure is a separate offense. Upon

1 complaint of the director, the fines specified in this section  
2 may be collected by the state in a civil action.

3       (2) The employee of an employer who violates the provisions  
4 of section 171 or 611 shall be entitled to recover damages from  
5 the employer in a civil action because of an injury that arose  
6 out of and in the course of employment notwithstanding the provi-  
7 sions of section 131.

8       (3) The director of the bureau shall have the right and  
9 obligation to recover on behalf of the workplace health and  
10 safety fund from an uninsured employer in a civil action the  
11 amounts provided in section 723. If the employer is a corpora-  
12 tion, the officers and directors of the corporation shall be  
13 individually and jointly and severally liable for any portion of  
14 the obligation and expenses that are not satisfied by the  
15 corporation.

16       (4) Any fines collected pursuant to this section shall be  
17 paid to the uninsured employer's security account within the  
18 workplace health and safety fund established in sections 722 and  
19 723.

20       (5) For the purposes of this section, the director shall be  
21 considered a party as described in section 863.

22       (6) Subsections (3), (4), and (5) shall apply to injuries  
23 that occur on or after ~~the effective date of this subsection~~  
24 JUNE 29, 1990.