

**STATE OF MICHIGAN  
101ST LEGISLATURE  
REGULAR SESSION OF 2022**

Introduced by Reps. Kahle, Bellino, Yaroch, Rendon, Cambensy, Witwer, Garza, Eisen and Filler

**ENROLLED HOUSE BILL No. 4031**

AN ACT to amend 1974 PA 154, entitled “An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” by amending section 35 (MCL 408.1035), as amended by 1991 PA 105.

*The People of the State of Michigan enact:*

Sec. 35. (1) An employer who receives a citation for a serious violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act shall be assessed a civil penalty of not more than \$7,000.00 for each violation.

(2) An employer who fails to correct a violation for which a citation was issued within the period permitted for its correction may be assessed a civil penalty of not more than \$7,000.00 for each day during which the failure or violation continues. A period permitted for corrections does not begin to run until the date of the final order of the board if a review proceeding before the board is initiated by the employer in good faith and not solely for delay or avoidance of a penalty.

(3) An employer who receives a citation for a violation of this act, an order issued pursuant to this act, or a rule or standard promulgated under this act may be assessed a civil penalty of not more than \$7,000.00 for each violation specifically determined not to be of a serious nature.

(4) An employer who willfully or repeatedly violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act may be assessed a civil penalty of not more than \$70,000.00 for each violation, but not less than \$5,000.00 for each willful violation.

(5) An employer who willfully violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act causing the death of an employee is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both. If the conviction is the second under this act, the person is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than \$20,000.00, or both.

(6) An employer who violates a posting requirement prescribed under this act shall be assessed a civil penalty of not more than \$7,000.00 for each violation.

(7) A person who knowingly makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained pursuant to this act, or, except as otherwise provided in this subsection, who fails to maintain or transmit a record or report as required under section 61, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$10,000.00, or both. If a death or injury occurs on a family farm to the owner of the family farm or a family member

of the owner, and if the employer fails to report the death or injury within the time period prescribed under this act or a rule promulgated under this act, a civil penalty or fine assessed against the employer under this subsection must be reduced by the maximum amount allowed under this act or a rule promulgated under this act.

(8) An individual who gives advance notice of an investigation or an inspection to be conducted under this act without authority from the appropriate director or designee of the director is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$1,000.00, or both.

(9) The department of labor and economic opportunity or the department of health and human services, if the employer is a public employer, instead of applying a civil penalty otherwise applicable to an employer under this section, may request that the attorney general seek a writ of mandamus in the appropriate circuit court to compel compliance with a citation, including the terms of abatement.

(10) An individual shall not assault a department representative or other individual charged with enforcement of this act in the performance of that individual's legal duty to enforce this act. An individual who violates this subsection is guilty of a misdemeanor. A prosecuting attorney having jurisdiction of this matter and the attorney general knowing of a violation of this section may prosecute the violator.

(11) The increases in the civil penalties of subsections (1), (2), (3), (4), and (6) made pursuant to the 1991 amendatory act that added this subsection take effect April 1, 1992.

(12) As used in this section:

(a) "Family farm" means a farming operation, including, but not limited to, a sole proprietorship, partnership, or family corporation, that meets all of the following conditions:

(i) The farming operation is wholly owned by the operator or the operator's family members.

(ii) During the immediately preceding 12-month period, all of the following conditions were met:

(A) More than 50% of the employees of the farming operation were family members of the owner or operator of the farming operation.

(B) The farming operation did not employ, at any 1 time, more than 9 employees who were not family members of the owner or operator of the farming operation.

(C) The farming operation did not operate a temporary labor camp.

(b) Family farm does not include either of the following:


(i) A farming operation that is organized as a nonfamily corporation or cooperation.

(ii) A farming operation with a hired manager who is not a family member of the owner or operator of the farming operation.

(c) "Family member" means a member of the family as that term is defined in section 4946 of the internal revenue code of 1986, 26 USC 4946.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor