



HOUSE BILL No. 4766

May 2, 1995, Introduced by Reps. Goschka, Anthony, Geiger, Voorhees, Weeks and Cropsey and referred to the Committee on Human Resources and Labor.

A bill to amend section 5 of Act No. 154 of the Public Acts of 1974, entitled as amended
"Michigan occupational safety and health act,"
as amended by Act No. 80 of the Public Acts of 1986, being section 408.1005 of the Michigan Compiled Laws; and to add section 35b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 154 of the Public Acts of
2 1974, as amended by Act No. 80 of the Public Acts of 1986, being
3 section 408.1005 of the Michigan Compiled Laws, is amended and
4 section 35b is added to read as follows:

5 Sec. 5. (1) "EMPLOY" MEANS TO PERMIT AN INDIVIDUAL TO WORK,
6 AND INCLUDES THE PERMITTING OF AN INDIVIDUAL TO WORK AS AN UNPAID
7 VOLUNTEER OR PAID EMPLOYEE OF A FIRE DEPARTMENT.

1 (2) ~~(1)~~ "Employee" means a person ~~permitted to work~~
2 EMPLOYED by an employer.

3 (3) ~~(2)~~ "Employer" means an individual or organization,
4 including the state or a political subdivision, ~~which~~ THAT
5 employs 1 or more persons.

6 (4) ~~(3)~~ "Imminent danger" means a condition or practice in
7 a place of employment which is such that a danger exists ~~which~~
8 THAT could reasonably be expected to cause death or serious phys-
9 ical harm either immediately or before the imminence of the
10 danger can be eliminated through ~~the~~ enforcement procedures
11 ~~otherwise provided~~ AUTHORIZED BY LAW. A container of an
12 unknown and unlabeled chemical or a container of A hazardous
13 ~~chemicals~~ CHEMICAL that is not labeled or for which a material
14 safety data sheet is not available as required by the standard
15 incorporated by reference in section 14a ~~shall be considered~~ IS
16 an imminent danger ~~after meeting the provisions of~~ IF IDENTI-
17 FIED AS AN IMMINENT DANGER UNDER section 31.

18 (5) ~~(4)~~ "Inspection" means the examination or survey of a
19 place of employment to detect the presence of an existing or
20 potential occupational safety or health hazard or to determine
21 compliance with this act, rules or standards promulgated UNDER
22 THIS ACT, or orders issued pursuant to this act.

23 (6) ~~(5)~~ "Investigation" means the detailed evaluation or
24 study of working conditions, including equipment, processes, sub-
25 stances, air contaminants, or physical agents with respect to the
26 actual or potential occurrence of occupational accidents,
27 illnesses, or diseases.

1 SEC. 35B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
2 AN EMPLOYER OF A VOLUNTEER FIRE DEPARTMENT SHALL NOT BE ASSESSED
3 A CIVIL PENALTY UNDER SECTION 35(1), (3), OR (6), OR SECTION
4 35A(1), (3), OR (6) UNLESS 1 OR BOTH OF THE FOLLOWING CIRCUM-
5 STANCES EXIST:

6 (A) THE EMPLOYER FAILS TO CORRECT THE VIOLATION FOR WHICH
7 THE CIVIL PENALTY IS AUTHORIZED WITHIN 90 DAYS AFTER RECEIVING A
8 CITATION FOR THAT VIOLATION, OR WITHIN 90 DAYS AFTER THE ISSUANCE
9 OF A FINAL ORDER OF THE BOARD RELATING TO THAT VIOLATION.

10 (B) AT LEAST 90 DAYS BEFORE THE VIOLATION, THE EMPLOYER
11 RECEIVED A CITATION FOR AN IDENTICAL VIOLATION.