

HOUSE BILL NO. 4017

January 15, 2025, Introduced by Reps. Neyer, Slagh, Martin, Jenkins-Arno, Prestin, Kelly, Johnsen, Kunse, Woolford, Cavitt, Borton, Bierlein, Greene, Alexander, Pavlov, Frisbie, Wozniak, Schmaltz, Markkanen, Fairbairn, Witwer, Bohnak, Kuhn, DeBoer, Steele, Bollin, Rigas, Miller, Morgan, Fitzgerald, Paiz, B. Carter, Steckloff, Lightner, Posthumus, VanderWall, Young, Thompson, Beson, Wortz and Breen and referred to Committee on Agriculture.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
by amending section 35 (MCL 408.1035), as amended by 2024 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 35. (1) If an employer receives a citation for a serious
2 violation of this act, an order issued pursuant to this act, or a
3 rule or standard promulgated under this act, the board shall assess
4 the employer a civil penalty of not more than \$7,000.00 for each
5 violation.

(2) If an employer fails to correct a violation for which a citation was issued within the period permitted ~~for its correction,~~ **to correct the violation**, the board may assess the employer 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~~ **to correct a violation** 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) If an employer 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, the board may assess the employer a civil penalty of not more than \$7,000.00 for each violation that is specifically determined not to be of a serious nature.

(4) If an employer willfully or repeatedly violates this act, an order issued pursuant to this act, or a rule or standard promulgated under this act, the board may assess the employer a civil penalty of not more than \$70,000.00 for each violation, but not less than \$5,000.00 for each willful violation. As used in this subsection:

(a) "Case closing date", with respect to an asbestos-related violation, means the first date that all of the following conditions are met:

(i) The citation for the violation is a final order.

(ii) Satisfactory abatement documentation for the violation is received by the board.

(iii) All civil penalties related to the violation are timely paid, or the department of labor and economic opportunity complies with section 36(6).

1 (b) "Repeatedly violates", with respect to an asbestos-related
2 violation, means commits an asbestos related violation not later
3 than 5 years after the case closing date of an asbestos-related
4 violation.

5 (5) If an employer willfully violates this act, an order
6 issued pursuant to this act, or a rule or standard promulgated
7 under this act and the violation causes the death of an employee,
8 the employer is guilty of a felony punishable by imprisonment for
9 not more than 1 year, a fine of not more than \$10,000.00, or both.
10 A second and any subsequent violation under this subsection is
11 punishable by imprisonment for not more than 3 years, a fine of
12 \$20,000.00, or both.

13 (6) If an employer violates a posting requirement prescribed
14 under this act, the board shall assess the employer a civil penalty
15 of not more than \$7,000.00 for each violation.

16 (7) If a person knowingly makes a false statement,
17 representation, or certification in an application, record, report,
18 plan, or other document filed or required to be maintained pursuant
19 to this act, or, **except as otherwise provided in this subsection,**
20 fails to maintain or transmit a record or report as required under
21 section 61, the person is guilty of a misdemeanor punishable by
22 imprisonment for not more than 6 months, a fine of not more than
23 \$10,000.00, or both. **If a death or injury occurs on a family farm**
24 **to the owner of the family farm or a family member of the owner,**
25 **and if the employer fails to report the death or injury within the**
26 **time period prescribed under this act or a rule promulgated under**
27 **this act, a civil penalty or fine assessed against the employer**
28 **under this subsection must be reduced by the maximum amount allowed**
29 **under this act or a rule promulgated under this act.**

1 (8) If ~~a person~~**an individual** gives advance notice of an
2 investigation or an inspection to be conducted under this act
3 without authority from the appropriate director or the **director's**
4 ~~designee, of the director,~~ the ~~person~~**individual** is guilty of a
5 misdemeanor punishable by imprisonment for not more than 6 months,
6 a fine of not more than \$1,000.00, or both.

7 (9) For a public employer, the department of labor and
8 economic opportunity, instead of applying a civil penalty otherwise
9 applicable to an employer under this section, may request that the
10 attorney general seek a writ of mandamus in the appropriate circuit
11 court to compel compliance with a citation, including the terms of
12 abatement.

13 (10) ~~A person~~**An individual** shall not assault a department
14 representative or other ~~person~~**individual** charged with enforcement
15 of this act in the performance of that ~~person's~~**individual's** legal
16 duty to enforce this act. ~~A person~~**An individual** who violates this
17 subsection is guilty of a misdemeanor. A prosecuting attorney
18 having jurisdiction of the matter or the attorney general may
19 prosecute the violator.

20 (11) **As used in this section:**

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

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

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

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

1 operation.

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

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

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

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

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

12 (c) "Family member" means a spouse, child, stepchild, foster
13 child, parent, stepparent, or foster parent.