

HOUSE BILL No. 5307

October 23, 2001, Introduced by Reps. Hale, Thomas, Bogardus, McConico, Woodward, Drolet, DeWeese, Clark, Lipsey and Lemmons and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 605 (MCL 37.2605), as amended by 1992 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 605. (1) If the commission, after a hearing on a
2 charge issued by the department, determines that the respondent
3 has violated this act, ~~or the handicappers' civil rights act,~~
4 ~~Act No. 220 of the Public Acts of 1976, being sections 37.1101 to~~
5 ~~37.1607 of the Michigan Compiled Laws~~ THE PERSONS WITH DISABILI-
6 TIES CIVIL RIGHTS ACT, 1976 PA 220, MCL 37.1101 TO 37.1607, OR
7 THE MICHIGAN RACIAL PROFILING AND REPORT STATISTICS ACT, the com-
8 mission shall state its findings of fact and conclusions of law
9 and shall issue a final order requiring the respondent to cease
10 and desist from the discriminatory practice and to take such

1 other action as it ~~deems~~ CONSIDERS necessary to secure equal
2 enjoyment and protection of civil rights. If at a hearing on a
3 charge, a pattern or practice of discrimination prohibited by
4 this act, ~~or Act No. 220 of the Public Acts of 1976~~ THE PERSONS
5 WITH DISABILITIES CIVIL RIGHTS ACT, 1976 PA 220, MCL 37.1101 TO
6 37.1607, OR THE MICHIGAN RACIAL PROFILING AND REPORT STATISTICS
7 ACT appears in the evidence, the commission may, upon its own
8 motion or on motion of the claimant, amend the pleadings to con-
9 form to the proofs, make findings, and issue an order based on
10 those findings. A copy of the order shall be delivered to the
11 respondent, the claimant, the attorney general, and to other
12 public officers and persons as the commission ~~deems~~ CONSIDERS
13 proper.

14 (2) Action ordered under this section may include, but is
15 not limited to, 1 OR MORE OF THE FOLLOWING:

16 (a) Hiring, reinstatement, or upgrading of employees with or
17 without back pay.

18 (b) Admission or restoration of individuals to labor organi-
19 zation membership, admission to or participation in a guidance
20 program, apprenticeship training program, on the job training
21 program, or other occupational training or retraining program,
22 with the utilization of objective criteria in the admission of
23 persons to those programs.

24 (c) Admission of persons to a public accommodation or an
25 educational institution.

26 (d) Sale, exchange, lease, rental, assignment, or sublease
27 of real property to a person.

1 (e) Extension to all persons of the full and equal enjoyment
2 of the goods, services, facilities, privileges, advantages, or
3 accommodations of the respondent.

4 (f) Reporting as to the manner of compliance.

5 (g) Requiring the posting of notices in a conspicuous place
6 ~~which~~ THAT the commission may publish or cause to be published
7 setting forth requirements for compliance with civil rights law
8 or other relevant information ~~which~~ THAT the commission deter-
9 mines necessary to explain those laws.

10 (h) Payment to an injured party of profits obtained by the
11 respondent through a violation of section 506 of this act or of
12 ~~Act No. 220 of the Public Acts of 1976~~ THE PERSONS WITH DIS-
13 ABILITIES CIVIL RIGHTS ACT, 1976 PA 220, MCL 37.1101 TO 37.1607.

14 (i) Payment to the complainant of damages for an injury or
15 loss caused by a violation of this act, including a reasonable
16 attorney's fee.

17 (j) Payment to the complainant of all or a portion of the
18 costs of maintaining the action before the commission, including
19 reasonable attorney fees and expert witness fees, if the commis-
20 sion determines that award to be appropriate.

21 (k) Payment of a civil fine for a violation of article ~~5~~ V
22 of this act, an amount directly related to the cost to the state
23 for enforcing this statute not to exceed 1 OF THE FOLLOWING:

24 (i) \$10,000.00 for the first violation.

25 (ii) \$25,000.00 for the second violation within a 5-year
26 period.

1 (iii) \$50,000.00 for 2 or more violations within a 7-year
2 period.

3 (1) Other relief the commission ~~deems~~ CONSIDERS
4 appropriate.

5 (3) ~~In the case of~~ IF a respondent IS operating by virtue
6 of a license issued by ~~the~~ THIS state, a political subdivision,
7 or an agency of ~~the~~ THIS state or political subdivision, ~~if~~
8 AND the commission, upon notice and hearing, determines that the
9 respondent has violated this act and that the violation was
10 authorized, requested, commanded, performed, or knowingly permit-
11 ted by the board of directors of the respondent or by an officer
12 or executive agent acting within the scope of his or her employ-
13 ment, the commission shall so certify to the licensing agency.
14 Unless the commission's finding is reversed in the course of
15 judicial review, the finding of the commission may be grounds for
16 revocation of the respondent's license.

17 (4) ~~In the case of~~ IF a respondent ~~who~~ violates this act
18 in the course of performing under a contract or subcontract with
19 ~~the~~ THIS state, a political subdivision, or an agency of ~~the~~
20 THIS state or political subdivision, ~~where~~ AND the violation
21 was authorized, requested, commanded, performed, or knowingly
22 permitted by the board of directors of the respondent or by an
23 officer or executive agent acting within the scope of his or her
24 employment, the commission shall so certify to the contracting
25 agency. Unless the commission's finding is reversed in the
26 course of judicial review, the finding is binding on the
27 contracting agency.

1 Enacting section 1. This amendatory act does not take
2 effect unless House Bill No. 4927 of the 91st Legislature is
3 enacted into law.