

HOUSE BILL NO. 4437

May 06, 2025, Introduced by Reps. B. Carter, Weiss, McFall, Rheingans, Morgan, Pohutsky, T. Carter, Hoskins, Price, Wilson, Martus, Brixie, Hope, Foreman, Breen, Rogers, Longjohn, Young, Wegela, McKinney, Skaggs, Wooden, Andrews, Mentzer, Paiz and Miller and referred to Committee on Economic Competitiveness.

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~~ **in accordance**
3 **with** this act, or a rule or standard promulgated under this act,
4 the board shall assess the employer a civil penalty of not more
5 than ~~\$7,000.00~~ **the equivalent federal penalty as the equivalent**

1 federal penalty existed on the effective date of the amendatory act
 2 that added subsection (12) or the penalty established under
 3 subsection (11), as applicable, for each violation.

4 (2) If an employer fails to correct a violation for which a
 5 citation was issued within the period permitted for its correction,
 6 the board may assess the employer a civil penalty of not more than
 7 ~~\$7,000.00~~ **the equivalent federal penalty as the equivalent federal**
 8 **penalty existed on the effective date of the amendatory act that**
 9 **added subsection (12) or the penalty established under subsection**
 10 **(11), as applicable,** for each day ~~during which~~ the failure or
 11 violation continues. A period permitted for corrections does not
 12 begin to run until the date of the final order of the board if a
 13 review proceeding before the board is initiated by the employer in
 14 good faith and not solely ~~for to~~ delay or ~~avoidance of~~ **avoid** a
 15 penalty.

16 (3) If an employer receives a citation for a violation of this
 17 act, an order issued ~~pursuant to~~ **in accordance with** this act, or a
 18 rule or standard promulgated under this act, the board may assess
 19 the employer a civil penalty of not more than ~~\$7,000.00~~ **the**
 20 **equivalent federal penalty as the equivalent federal penalty**
 21 **existed on the effective date of the amendatory act that added**
 22 **subsection (12) or the penalty established under subsection (11),**
 23 **as applicable,** for each violation that is specifically determined
 24 not to be of a serious nature.

25 (4) If an employer willfully or repeatedly violates this act,
 26 an order issued ~~pursuant to~~ **in accordance with** this act, or a rule
 27 or standard promulgated under this act, the board may assess the
 28 employer a civil penalty ~~of not more than \$70,000.00 for each~~
 29 ~~violation, but not less than \$5,000.00 that is equal to the~~

1 **equivalent federal penalty as the equivalent federal penalty**
2 **existed on the effective date of the amendatory act that added**
3 **subsection (12) or the penalty established under subsection (11),**
4 **as applicable,** for each willful **or repeated** violation. As used in
5 this subsection:

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

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

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

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

15 (b) "Repeatedly violates", with respect to an asbestos-related
16 violation, means commits an asbestos related violation not later
17 than 5 years after the case closing date of an asbestos-related
18 violation.

19 (5) If an employer willfully violates this act, an order
20 issued ~~pursuant to~~ **in accordance with** this act, or a rule or
21 standard promulgated under this act and the violation causes the
22 death of an employee, the employer is guilty of a felony punishable
23 by imprisonment for not more than 1 year, a fine of not more than
24 \$10,000.00, or both. A second and any subsequent violation under
25 this subsection is punishable by imprisonment for not more than 3
26 years, a fine of \$20,000.00, or both.

27 (6) If an employer violates a posting requirement prescribed
28 under this act, the board shall assess the employer a civil penalty
29 of not more than ~~\$7,000.00~~ **the equivalent federal penalty as the**

1 **equivalent federal penalty existed on the effective date of the**
2 **amendatory act that added subsection (12) or the penalty**
3 **established under subsection (11), as applicable, for each**
4 **violation.**

5 (7) If a person knowingly makes a false statement,
6 representation, or certification in an application, record, report,
7 plan, or other document filed or required to be maintained pursuant
8 to this act, or fails to maintain or transmit a record or report as
9 required under section 61, the person is guilty of a misdemeanor
10 punishable by imprisonment for not more than 6 months, a fine of
11 not more than \$10,000.00, or both.

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

17 (9) For a public employer, the department, ~~of labor and~~
18 ~~economic opportunity,~~ instead of applying a civil penalty otherwise
19 applicable to an employer under this section, may request that the
20 attorney general seek a writ of mandamus in the appropriate circuit
21 court to compel compliance with a citation, including the terms of
22 abatement.

23 (10) A person shall not assault a department representative or
24 other person charged with enforcement of this act in the
25 performance of that person's legal duty to enforce this act. A
26 person who violates this subsection is guilty of a misdemeanor. A
27 prosecuting attorney having jurisdiction of the matter or the
28 attorney general may prosecute the violator.

29 **(11) Beginning on the effective date of the amendatory act**

1 that added subsection (12), the director shall, not later than 10
2 working days after the date that a federal penalty is changed,
3 initiate the processing of an administrative rule that changes a
4 penalty under this section to be equal to the equivalent federal
5 penalty.

6 (12) As used in this section:

7 (a) "Equivalent federal penalty" means the federal penalty for
8 the federal violation that is the equivalent of or most equivalent
9 to a violation of this act or a rule or standard promulgated under
10 this act.

11 (b) "Federal penalty" means the penalty for a federal
12 violation.

13 (c) "Federal violation" means a violation of either of the
14 following:

15 (i) The occupational safety and health act of 1970, Public Law
16 91-596.

17 (ii) An occupational safety and health standard adopted or
18 promulgated by the United States Department of Labor under the
19 occupational safety and health act of 1970, Public Law 91-596.

20 Enacting section 1. This amendatory act takes effect October
21 1, 2025.