

MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT (EXCERPT)
Act 154 of 1974

***** 408.1036 THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE
2024 REGULAR SESSION SINE DIE *****

408.1036.amended Civil penalties; assessment; asbestos-related violations; payment; recovering unpaid penalty.

Sec. 36. (1) The board shall assess civil penalties, considering the size of the business, the seriousness of the violation, the good-faith efforts of the employer, and the history of previous citations, and may establish a schedule of civil penalties. Subject to subsection (2), for a civil penalty that was assessed as the result of an asbestos-related violation, the board shall not reduce the civil penalty by more than a total of 95% or by more than the corresponding percentage for each of the following:

- (a) In considering the size of the business, 70%.
- (b) In considering the good-faith efforts of the employer, 25%.
- (c) In considering the history of previous citations, 10%.

(2) The board may issue an order for a reduction of a civil penalty if the order is consistent with a dismissal or reclassification of an asbestos-related violation included in a hearing officer's report submitted to the board following an administrative hearing held under section 42 or 44. For an asbestos-related violation that has been reclassified by a hearing officer, the board shall not reduce the civil penalty that corresponds to the reclassified violation by more than is prescribed under subsection (1).

(3) The department of labor and economic opportunity shall administer and enforce the assessment of civil penalties in a manner that is consistent with the administration and enforcement of civil penalties by the federal Occupational Safety and Health Administration.

(4) A civil penalty owed under this act must be paid to the department of labor and economic opportunity not later than 15 working days after the date the penalty becomes a final order of the board, not subject to further agency or judicial review. A civil penalty must be credited to the state general fund.

(5) If a civil penalty remains unpaid beyond the period of time specified in subsection (4), the department of labor and economic opportunity shall issue a letter to the employer demanding payment not later than 20 days after the date of the letter.

(6) If the penalty remains unpaid following the period specified in subsection (5), the department of labor and economic opportunity shall transmit information on the amount of the penalty and the name and address of the employer owing the penalty to the department of treasury.

(7) The department of treasury shall institute proceedings to collect the amount assessed as a civil penalty. The department of treasury shall offset the amount of the penalty against money owed by the state to the employer. The department of treasury shall request that the attorney general recover the amount of the penalty remaining unpaid, after offsets, by instituting a civil action in the circuit court for the county in which the violation occurred or in the circuit court for the county in which the employer owing the penalty has its principal place of business.

History: 1974, Act 154, Eff. Jan. 1, 1975;—Am. 1979, Act 149, Eff. Mar. 27, 1980;—Am. 1986, Act 24, Imd. Eff. Mar. 10, 1986;—Am. 1991, Act 105, Imd. Eff. Oct. 3, 1991;—Am. 2024, Act 17, Eff. (sine die).