

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

408.1036 Civil penalties; assessment; schedule; 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.

(2) Beginning April 1, 1992, the department of labor and the department of public health 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.

(3) A civil penalty owed under this act shall be paid to the department of labor or the department of public health, whichever is appropriate, within 15 working days after the date the penalty becomes a final order of the board, not subject to further agency or judicial review. Beginning April 1, 1992, a civil penalty shall be credited to the state general fund.

(4) If a civil penalty remains unpaid beyond the period of time specified in subsection (3), the department of labor or the department of public health, whichever is appropriate, shall issue a letter to the employer demanding payment within 20 days after the date of the letter.

(5) If the penalty remains unpaid following the period specified in subsection (4), the appropriate department 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.

(6) 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.