

HOUSE BILL NO. 4403

April 12, 2023, Introduced by Reps. Snyder, Farhat, Breen, Hood, Brabec, Morse, Price, Weiss, Brenda Carter, Tsernoglou, Hope, Andrews, Haadsma and Scott and referred to the Committee on Labor.

A bill to amend 1978 PA 390, entitled

"An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,"

by amending section 15 (MCL 408.485).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. An employer who, with **the** intent to defraud, ~~fails to~~

1 ~~make payment of~~ **does not pay** the wages and fringe benefits due an
2 employee as provided in this act, ~~is guilty of a misdemeanor,~~
3 **crime** punishable by a fine of not more than \$1,000.00, or
4 imprisonment for not more than 1 year, or both. **as follows:**

5 (a) Except as otherwise provided in this subdivision, if the
6 wages and fringe benefits have a value of less than \$200.00, the
7 employer is guilty of a misdemeanor punishable by imprisonment for
8 not more than 93 days, a fine of not more than \$500.00 or 3 times
9 the value of the wages and fringe benefits, whichever is greater,
10 or both imprisonment and a fine. If the employer has 1 or more
11 prior convictions under this section, the employer is guilty of a
12 misdemeanor punishable by imprisonment for not more than 1 year, a
13 fine of not more than \$2,000.00 or 3 times the value of the wages
14 and fringe benefits, whichever is greater, or both imprisonment and
15 a fine.

16 (b) Except as otherwise provided in this subdivision, if the
17 wages and fringe benefits have a value of \$200.00 or more but less
18 than \$1,000.00, the employer is guilty of a misdemeanor punishable
19 by imprisonment for not more than 1 year, a fine of not more than
20 \$2,000.00 or 3 times the value of the wages and fringe benefits,
21 whichever is greater, or both imprisonment and a fine. If the
22 employer has 1 or more prior convictions under this section, the
23 employer is guilty of a felony punishable by imprisonment for not
24 more than 5 years, a fine of not more than \$10,000.00 or 3 times
25 the value of the wages and fringe benefits, whichever is greater,
26 or both imprisonment and a fine.

27 (c) Except as otherwise provided in this subdivision, if the
28 wages and fringe benefits have a value of \$1,000.00 or more but
29 less than \$20,000.00, the employer is guilty of a felony punishable

1 by imprisonment for not more than 5 years, a fine of not more than
2 \$10,000.00 or 3 times the value of the wages and fringe benefits,
3 whichever is greater, or both imprisonment and a fine. If the
4 employer has 2 or more prior convictions under this section, the
5 employer is guilty of a felony punishable by imprisonment for not
6 more than 10 years, a fine of not more than \$15,000.00 or 3 times
7 the value of the wages and fringe benefits, whichever is greater,
8 or both imprisonment and a fine.

9 (d) If the wages and fringe benefits have a value of
10 \$20,000.00 or more but less than \$50,000.00, the employer is guilty
11 of a felony punishable by imprisonment for not more than 10 years,
12 a fine of not more than 3 times the value of the wages and fringe
13 benefits, or both imprisonment and a fine.

14 (e) If the wages and fringe benefits have a value of
15 \$50,000.00 or more but less than \$100,000.00, the employer is
16 guilty of a felony punishable by imprisonment for not more than 15
17 years, a fine of not more than 3 times the value of the wages and
18 fringe benefits, or both imprisonment and a fine.

19 (f) If the wages and fringe benefits have a value of
20 \$100,000.00 or more, the employer is guilty of a felony punishable
21 by imprisonment for not more than 20 years, a fine of not more than
22 3 times the value of the wages and fringe benefits, or both
23 imprisonment and a fine.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.