

Chapter 419
MISCELLANEOUS LABOR LAWS
OCCUPATIONAL DISEASES

Act 119 of 1911

419.1-419.3 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

LIABILITY OF RAILROADS TO EMPLOYEES

Act 104 of 1909

AN ACT to prescribe the liability of common carrier railroad companies to their employees.

History: 1909, Act 104, Eff. Sept. 1, 1909

The People of the State of Michigan enact:

419.51 Railroads; liability to employees or personal representative for negligence.

Sec. 1.

Every common carrier railroad company in this state shall be liable to any of its employees, or, in case of his or her death, to his or her personal representative for the benefit of his or her spouse and children, if any; if none, then for his or her parents; if none, then for his or her next of kin, for all damages which may result from the negligence of the railroad company or from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to the negligence of the common carrier railroad company in its cars, engines, appliances, machinery, track, road bed, works, boats, wharves, coal docks, or other equipment.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5496 ;-- CL 1929, 8629 ;-- CL 1948, 419.51 ;-- Am. 1983, Act 197, Imd. Eff. Nov. 7, 1983

419.52 Contributory negligence; degree, effect; assumption of risk.

Sec. 2.

In all actions hereafter brought against any such common carrier railroad company under or by virtue of any of the provisions of this act to recover damages for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery: Provided, That the negligence of such employee was of a lesser degree than the negligence of such company, its officers, agents or employees: Provided further, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier railroad company of any statute enacted for the safety of employees contributed to the injury of such employee, and such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5497 ;-- CL 1929, 8630 ;-- CL 1948, 419.52

419.53 Railroad company; definition.

Sec. 3.

The words "railroad company," as used in this act, shall be taken to embrace any company, association, corporation, or person managing, maintaining, operating, or in possession of a common carrier railroad in whole or in part within this state, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5498 ;-- CL 1929, 8631 ;-- CL 1948, 419.53

419.54 Agreements not to bar action; provision, set off sum contribution.

Sec. 4.

No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: Provided, however, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5499 ;-- CL 1929, 8632 ;-- CL 1948, 419.54

419.56 Construction of act as to duties and rights.

Sec. 6.

Nothing in this act shall be held to limit the duty of common carrier railroad companies, or impair the rights of their employees under existing laws of the state.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5500 ;-- CL 1929, 8633 ;-- CL 1948, 419.56

419.57 Scope of act.

Sec. 7.

The provisions of this act shall not apply to employees working in shops or offices.

History: 1909, Act 104, Eff. Sept. 1, 1909 ;-- CL 1915, 5501 ;-- CL 1929, 8634 ;-- CL 1948, 419.57

COMPENSATION OF INJURED PEACE OFFICERS

Act 329 of 1937

AN ACT providing for compensation to certain peace officers injured in active duty, and payment to surviving spouses and dependents in case of death arising from active duty; and to make an appropriation therefor.

History: 1937, Act 329, Imd. Eff. July 24, 1937 ;-- Am. 1939, Act 164, Imd. Eff. June 6, 1939 ;-- Am. 1941, Act 34, Eff. Jan. 10, 1942 ;-- Am. 1983, Act 210, Imd. Eff. Nov. 10, 1983

The People of the State of Michigan enact:

419.101 Peace officers; disability, total, partial; compensation, maximum; medical care.

Sec. 1.

Any peace officer, either elective or appointive, of the state of Michigan, or of any political subdivision thereof, who shall suffer disability as a result of active duty in enforcing the laws of the state of Michigan, or of an adjoining state, shall, in addition to the compensation hereinafter provided be furnished reasonable medical, surgical and hospital services during the period or periods of such disability.

(a) During the period or periods such officer, by reason of such disability, is unable to earn any income, he shall be deemed to be totally disabled and shall receive the sum of \$18.00 per week: Provided, however, That in cases where such peace officer shall be inducted into service temporarily and shall be disabled as a result of such temporary service, he shall be deemed to be totally disabled for such period of time as he shall be unable to earn wages or income from his regular employment or occupation.

(b) During the period or periods such officer, by reason of such disability, is able to earn less than his regular income, he shall be deemed to be partially disabled and shall receive as weekly compensation the difference between his average weekly wages or income before such disability starts, and the average weekly wages or income which he receives thereafter, not exceeding \$18.00 per week: Provided, however, That in cases where such peace officer shall be inducted into service temporarily and shall be disabled as a result of such temporary service, he shall be deemed to be partially disabled for such period of time as he shall be unable to earn his regular wages or income from his regular employment or occupation.

Provided, That the total compensation to any such peace officer shall not exceed the total sum of \$5,000.00.

History: 1937, Act 329, Imd. Eff. July 24, 1937 ;-- Am. 1939, Act 164, Imd. Eff. June 6, 1939 ;-- Am. 1941, Act 34, Eff. Jan. 10, 1942 ;-- CL 1948, 419.101

419.102 Peace officers; surviving spouse or dependents; compensation; last sickness and burial expenses.

Sec. 2.

The surviving spouse or dependents of a peace officer of this state or of a political subdivision of this state who is killed as the result of active duty in enforcing the laws of this state or the laws of an adjoining state shall receive the sum of \$1,000.00 for defraying the expense of last sickness and burial and \$18.00 a week until a total sum of \$5,000.00 is paid. As used in this section, (a) "surviving spouse" means the spouse of the peace officer, if living, and until remarriage (b) "dependent" means the children of the peace officer, if dependent; the mother, father, or both, of the peace officer, if dependent; and the brothers and sisters of the peace officer, if dependent; in the order named. If the peace officer does not leave a surviving spouse or any dependents as defined in this section, the estate of the peace officer shall receive the sum of \$1,000.00 for the expense of the peace officer's last sickness and burial.

History: 1937, Act 329, Imd. Eff. July 24, 1937 ;-- Am. 1939, Act 164, Imd. Eff. June 6, 1939 ;-- CL 1948, 419.102 ;-- Am. 1983, Act 210, Imd. Eff. Nov. 10, 1983

419.103 Payment; appropriated funds; review of claims.

Sec. 3.

The amount provided for in this act shall be paid from the general fund of the state treasury, from money appropriated from said general fund for the fiscal year ending June 30, 1938, and every fiscal year thereafter, a sufficient sum to carry out the provisions of this act. The attorney general shall review all claims under this act and satisfy himself or herself of the merits of the claim before authorizing payment.

History: 1937, Act 329, Imd. Eff. July 24, 1937 ;-- Am. 1939, Act 164, Imd. Eff. June 6, 1939 ;-- CL 1948, 419.103 ;-- Am. 2002, Act 103, Imd. Eff. Mar. 27, 2002

419.104 Persons included and excluded from act; "peace officer" defined.

Sec. 4.

(1) This act applies only to a peace officer who suffers disability and to the surviving spouse, and dependents, elective or appointive, of a peace officer of this state, or of any political subdivision thereof, who is killed as the result of active duty in the enforcement of the laws of this state, or of an adjoining state.

(2) Any such peace officer, or the surviving spouse or dependents of the peace officer, who shall receive any insurance or benefit maintained for such peace officer, or his or her dependents, by any political subdivision of this state shall not come under the provisions of this act if the amount received by the peace officer, the surviving spouse or dependents is equivalent to the amount provided for by this act. If the amount is less than provided by this act, then the difference shall be paid from the appropriation provided therefor.

(3) As used in this section, "peace officer" includes the estate of the peace officer.

(4) This act does not apply to the Michigan state police, their spouses, or dependents.

History: 1937, Act 329, Imd. Eff. July 24, 1937 ;-- Am. 1939, Act 164, Imd. Eff. June 6, 1939 ;-- Am. 1943, Act 130, Imd. Eff. Apr. 13, 1943 ;-- CL 1948, 419.104 ;-- Am. 1955, Act 248, Eff. Oct. 14, 1955 ;-- Am. 1983, Act 210, Imd. Eff. Nov. 10, 1983

COMPENSATION OF INJURED FIRE FIGHTERS

Act 9 of 1942 (1st Ex. Sess.)

AN ACT providing for compensation to certain fire fighters injured in the safeguarding of life and property, and payment to the surviving spouse and dependents in case of death; and to make an appropriation therefor.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- Am. 1983, Act 207, Imd. Eff. Nov. 10, 1983

The People of the State of Michigan enact:

419.201 Application of act; jurisdiction of fire department in emergency; "fire department" defined.

Sec. 1.

(1) This act applies, in the safeguarding of life and property from damage due to explosion, fire, or other disaster however caused, in circumstances that the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, determines to be of such an emergency character as to affect the welfare and safety of the people of this state. Any organized city, village, or township fire department shall cooperate with the bureau of fire services in any such emergency, and shall have, in the emergency, the same authority and powers outside its own city, village, or township as if the fire department were in its own city, village, or township.

(2) As used in this act, "fire department" means lawfully organized fire fighting forces, however constituted, including personnel.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 419.201 ;-- Am. 2006, Act 203, Imd. Eff. June 19, 2006

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

419.202 Firemen; disability incurred outside locality of jurisdiction; compensation, amount, time limitation.

Sec. 2.

Any fireman, either volunteer, part-paid or full-paid, who shall suffer disability as a result of safeguarding life or property outside his jurisdiction from damage due to explosion, fire or other disaster however caused, or in the transportation to or from a fire, explosion or other disaster however caused, outside his jurisdiction shall receive compensation equivalent to the amount provided for such injury and incapacity by the workmen's compensation laws of this state at the time of such injury.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 419.202 ;-- Am. 1957, Act 122, Eff. Sept. 27, 1957

419.203 Death benefits equivalent to amount provided under worker's disability compensation act; compensation of dependents.

Sec. 3.

The surviving spouse and dependents of a fire fighter who is killed in safeguarding life or property outside his or her jurisdiction from damage due to an explosion, fire, or other disaster, however caused, or in transportation to or from a fire, explosion, or other disaster, however caused, outside his or her jurisdiction, shall receive the sum of \$500.00 for defraying the expense of burial, and compensation equivalent to the amount provided at the time of death of the fire fighter under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, being sections 418.101 to 418.941 of the Michigan Compiled Laws. Compensation shall be payable to the spouse of the fire fighter, if living, and until remarriage; the children of the fire fighter, while dependent; the mother, father, or both, of the fire fighter, while dependent; and the brothers and sisters of the fire fighter, while dependent; in the order named. If the fire fighter does not leave a surviving spouse or any dependents as defined in this section, the estate of the fire fighter shall receive the sum of \$500.00 for the expense of the fire fighter's burial.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 419.203 ;-- Am. 1957, Act 122, Eff. Sept. 27, 1957 ;-- Am. 1983, Act 207, Imd. Eff. Nov. 10, 1983

419.204 Compensation payments from general fund; appropriation.

Sec. 4.

Said sums hereinbefore provided for shall be paid from the general fund of the state treasury, from moneys not otherwise appropriated, on vouchers signed and approved by the department of labor and industry, and there is hereby appropriated from said general fund for the fiscal year ending June 30, 1942, and every fiscal year thereafter, a sufficient sum to carry out the provisions of this act.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 419.204

419.205 Fire fighters and dependents to whom act applies; payment of difference under local benefit provisions; effect of contributions to benefit fund or protective association.

Sec. 5.

This act applies to a fire fighter who suffers a disability and to the surviving spouse or dependents of a fire fighter who is killed as the result of safeguarding life and property outside the fire fighter's jurisdiction from damage due to explosion, fire, or other disaster, however caused, or in transportation to or from a fire, explosion, or other disaster, however caused, outside the fire fighter's jurisdiction, during the emergency defined in section 1. However, a fire fighter or an employee of a fire department, or the surviving spouse or dependents of the fire fighter or employee, in municipalities or villages of this state having charter provisions prescribing insurance or benefits shall receive from the state the benefits provided by this act. The village or municipality may, in accordance with its charter provisions, pay to the employee, the surviving spouse of the employee, or his or her dependents, the difference between the benefits provided by this act and the benefits provided for by the municipalities or villages, but shall pay no more than the difference. Any contributions made by the employee to any benefit fund or protective association independent of the charter of the municipality shall be taken into consideration in determining the compensation to be paid under this act.

History: 1942, 1st Ex. Sess., Act 9, Imd. Eff. Jan. 28, 1942 ;-- CL 1948, 419.205 ;-- Am. 1983, Act 207, Imd. Eff. Nov. 10, 1983

EMPLOYMENT OF MINORS

Act 19 of 1927

AN ACT to provide for the protection and legal employment of minors between the ages of 16 and 18 years.

History: 1927, Act 19, Eff. Sept. 5, 1927

The People of the State of Michigan enact:

419.301 Minors between 16 and 18; legal employment; permit or certificate.

Sec. 1.

Any minor over 16 and under 18 years of age engaged in an occupation approved by the department of labor and industry as required by section 11 of Act No. 285 of the Public Acts of 1909, as amended, shall, within the meaning of said act, be considered to be legally employed, and shall in all cases be subject to Act No. 10 of the Public Acts of 1912 (extra session), as amended, known as the workmen's compensation law, provided that the employer has filed the required permit or certificate for said minor.

History: 1927, Act 19, Eff. Sept. 5, 1927 ;-- CL 1929, 8356 ;-- CL 1948, 419.301

Compiler's Notes: Act 285 of 1909, referred to in this section, was repealed by Act 256 of 1964, Act 187 of 1967, Act 282 of 1967, Act 219 of 1971, and Act 154 of 1974. Act 10 of 1912, 1st Ex. Sess., referred to in this section, was repealed by Act 317 of 1969.

COVID-19 EMPLOYMENT RIGHTS

Act 238 of 2020

419.401-419.413 Repealed. 2022, Act 138, Eff. July 1, 2023.

