

HOUSE BILL NO. 5178

October 30, 2025, Introduced by Reps. Brixie, Rheingans, Arbit, Weiss, T. Carter, Pohutsky, Xiong, MacDonell, Wilson, Conlin, Mentzer, Price, B. Carter, Miller, Dievendorf, Paiz, Morgan, McFall, Longjohn, Hope, Byrnes, Andrews, Young, Skaggs, Tsernoglou, Hoskins, McKinney and Myers-Phillips and referred to Committee on Economic Competitiveness.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 131 (MCL 418.131), as amended by 1993 PA 198.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 131. (1) ~~The~~ **Except if an employee is subject to an**
2 **intentional tort, the** right to the recovery of benefits ~~as provided~~
3 ~~in-under~~ this act ~~shall be the~~ **is an** employee's exclusive remedy
4 against the **employee's** employer for a personal injury or
5 occupational disease. ~~The only exception to this exclusive remedy~~

~~is an intentional tort. An intentional tort shall exist only when~~
~~an exists if either of the following occurs:~~

(a) An employee is injured as a result of a deliberate act of the **employee's** employer and the employer ~~specifically intended an~~ injury. An employer ~~shall be deemed~~ **is considered** to have intended ~~to injure an injury~~ if the employer had actual knowledge that **there was substantial risk** an injury ~~was certain to would~~ occur and willfully disregarded that knowledge.

(b) An employee is injured as a result of the employee's employer's serious or willful failure to comply with the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, or a rule or standard promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(2) The issue of whether an act was an intentional tort ~~shall be is~~ a question of law ~~for the court. This subsection shall not enlarge or reduce rights under law.~~ **fact.**

(3) If an injury occurs as described in subsection (1) (b), the amount of weekly compensation due and payable to the injured employee under this act must be increased by 100%.

(4) ~~(2)~~ As used in this section and section 827: ~~,"employee"~~

(a) "Employee" includes the ~~person individual~~ injured, ~~his or her the individual's~~ personal representatives, and any other person to whom a claim accrues by reason of the injury to, or death of, the employee. ~~,"and "employer"~~

(b) "Employer" includes the employer's insurer and a service agent to a self-insured employer insofar as they furnish, or fail to furnish, safety inspections or safety advisory services incident to providing worker's compensation insurance or incident to a self-

1 insured employer's liability servicing contract.