

now have included in Section 3 or what we have proposed in Section 3, is that right? Mr. McGuigan, as I understand it you were talking about a \$1,500 maximum?

Mr. McGUIGAN. Yes.

Mr. SISK. And I believe that you know on line 12 of the present bill we provide, on line 11, following: "less than \$100 or more than \$1,000, or by imprisonment of not more than ninety days." Now, this is a pretty substantial increase over the present penalty, and do you feel that is inadequate to bring enforcement or compliance rather?

Mr. McGUIGAN. We feel that it is somewhat inadequate, Mr. Chairman. First, the maximum was \$100 as compared to \$300 in 1941 is not much of a dollar increase if you compare the value of the dollar in 1967 to that of 1941. Secondly, we feel that this takes no discretion from the courts in determining the amount of the fine. We are particularly interested that in cases of repeated violations that the court should take note of the repetition and that they should impose more severe penalties. But we do not think that \$1,500 in the case, for instance, where an employer under the safety code might be required to erect a scaffold in order to perform a certain function on the outside of a building and instead of doing this in order to save money maybe he swings a boatswain's chair or something equivalent to that outside of the window hoping that he will not be observed process and this is a flagrant violation as a result of which someone might lose his life. We do not think \$1,500 is a very heavy penalty for that kind of violation.

Mr. SISK. One other comment and I think one of you gentlemen mentioned this that the testimony of the Commissioners recommended changes in the proposed legislation dealing with the requirement that no forfeiture of collateral be permitted in a personal injury case and further there was testimony last week by some of the individuals testifying that this could tend to jam up our courts and, of course, as we all know, they are badly overloaded today and are way behind. There is no question but what cases are piling up, unfortunately, faster than the courts apparently can dispose of them. Yet, on the other hand, I recognize the need to, particularly in personal injury cases, to crack down some on it. As I understand it you are opposed to the recommendation of the Commissioners to leave this up to the court, is that right?

Mr. McGUIGAN. Yes, we are, Mr. Chairman.

Mr. SISK. What has been your experience in this area? To what extent were personal injury cases involved? Is it prevalent or is it unusual that forfeiture of collateral is permitted. Among the people in your various locals where personal injuries occur, do you have any figures, any indication of what has been the general practice and to what extent you feel it has not lead to proper enforcement or proper compliance?

Mr. McGUIGAN. Well, we do not have—

Mr. SISK. In other words, I am seeking something for the record here to justify what we are attempting to do. Or, on the other hand, as I say, all these things have two sides to them and, of course, in the testimony that has come out certainly none of us seek to further burden the courts if this is going to be a problem. Now, if it is a justifiable case we certainly want the court to handle it. There is no question about that.