

SUBSTITUTE FOR  
SENATE BILL NO. 399

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending the part heading of part 465 and sections 46501 and  
46509 (MCL 324.46501 and 324.46509), as added by 1995 PA 57, and  
by adding section 46510; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 PART 465 ~~FISHING SHANTIES~~ ICE FISHING SHANTIES AND ICE RESCUES

2 Sec. 46501. As used in this part:

3 (A) "CIVIL INFRACTION DETERMINATION" MEANS THAT TERM AS  
4 DEFINED IN SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961,  
5 1961 PA 236, MCL 600.8801.

6 (B) ~~(a)~~ "Fishing shanty" means a fishing house or any  
7 other structure or shelter placed on the ice on the waters over  
8 which this state has jurisdiction, OR, AS USED IN SECTION 46510,  
9 ON ANY WATERS IN THIS STATE.

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4 (C) "LICENSE" MEANS A FISHING LICENSE ISSUED UNDER PART 401.

5 (D) ~~(b)~~ "Local unit of government" means a county, city,  
6 township, village, or other governmental unit. Local unit of  
7 government does not include ~~the~~ THIS state.

8 (E) "RESCUING AGENCY" MEANS A FEDERAL, STATE, OR LOCAL  
9 ENTITY RESPONSIBLE FOR RESCUING AN INDIVIDUAL BECAUSE OF UNSAFE  
10 ICE CONDITIONS.

11 Sec. 46509. (1) A person who violates A PROVISION OF this  
12 part OTHER THAN SECTION 46510 is guilty of a misdemeanor, punish-  
13 able by imprisonment for not more than 30 days, or a fine of not  
14 less than \$100.00 or more than \$500.00, or both, and costs of  
15 prosecution.

16 (2) Upon conviction for the violation of A PROVISION OF this  
17 part OTHER THAN SECTION 46510, the court shall order the  
18 defendant to reimburse the governmental entity that removes or  
19 provides for the removal of the fishing shanty from the water or  
20 ice an amount equal to 3 times the cost of removal.

21 SEC. 46510. (1) AN INDIVIDUAL IS RESPONSIBLE FOR A STATE  
22 CIVIL INFRACTION IF ALL OF THE FOLLOWING APPLY:

23 (A) THE INDIVIDUAL VENTURES ONTO ICE FOR ANY ICE SPORTS  
24 RECREATIONAL PURPOSE INCLUDING, BUT NOT LIMITED TO, ICE FISHING AND  
25 PLACING OR REMOVING A FISHING SHANTY.

(B) THE INDIVIDUAL IS RESCUED BECAUSE OF UNSAFE ICE CONDITIONS.

(C) A REASONABLE INDIVIDUAL WOULD HAVE CONCLUDED THAT THE ICE  
WAS OR WOULD BECOME UNSAFE, BASED ON INFORMATION OBSERVABLE TO  
THE INDIVIDUAL OR REPORTED IN THE MEDIA INCLUDING, BUT NOT LIMITED  
TO, THE ABSENCE OF OTHER INDIVIDUALS ON THE ICE, THE PRESENCE OF  
WATER ON THE ICE, WEATHER CONDITIONS, THE THICKNESS OF THE ICE, AND  
THE QUALITY OF THE ICE.

(2) AN INDIVIDUAL RESPONSIBLE FOR A STATE CIVIL INFRACTION  
UNDER SUBSECTION (1) SHALL PAY A CIVIL FINE OF THE FOLLOWING AMOUNT,  
AS  
26 APPLICABLE:

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1 (A) FOR THE FIRST RESCUE SINCE THE EFFECTIVE DATE OF THIS  
2 SECTION, \$5.00.

3 (B) FOR THE SECOND RESCUE SINCE THE EFFECTIVE DATE OF THIS  
4 SECTION, \$200.00, PLUS COURT COSTS.

5 (C) FOR THE THIRD OR SUBSEQUENT RESCUE SINCE THE EFFECTIVE  
6 DATE OF THIS SECTION, \$500.00, PLUS COURT COSTS. IN ADDITION, THE  
7 INDIVIDUAL'S ICE FISHING PRIVILEGES ARE SUSPENDED UNTIL A DATE 3 YEARS AFTER  
8 THE DATE OF THE RESCUE.

9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 (3) PROMPTLY AFTER A DEFENDANT IS DETERMINED TO BE RESPONSIB-  
21 BLE FOR A STATE CIVIL INFRACTION UNDER SUBSECTION (2)(C), THE  
22 COURT SHALL NOTIFY THE DEPARTMENT OF THE DETERMINATION, THE DATE  
23 AND PLACE OF THE RESCUE, THE INDIVIDUAL'S NAME AND ADDRESS, AND  
24 ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT FOR THE PURPOSES  
25 OF THIS SECTION. PROMPTLY AFTER THE DEPARTMENT IS NOTIFIED OF  
26 THE DETERMINATION, THE DEPARTMENT SHALL MAIL THE INDIVIDUAL A  
27 LETTER NOTIFYING THE INDIVIDUAL THAT HIS OR HER ICE FISHING

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1 PRIVILEGES ARE SUSPENDED UNTIL A DATE 3 YEARS AFTER THE DATE OF  
2 THE RESCUE.

3 (4) IF A DEFENDANT IS DETERMINED TO BE RESPONSIBLE FOR A  
4 STATE CIVIL INFRACTION UNDER THIS SECTION AFTER THE EFFECTIVE  
5 DATE OF RULES PROMULGATED UNDER SECTION 4(1)(A)(iii) OF THE  
6 L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163, MCL 28.214,  
7 NOTICE OF THE DETERMINATION SHALL BE POSTED ON THE LAW ENFORCE-  
8 MENT INFORMATION NETWORK UNDER THOSE RULES.

9 (5) THIS SECTION IS REPEALED 3 YEARS AFTER THE EFFECTIVE  
10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

11 Enacting section 1. This amendatory act does not take  
12 effect unless Senate Bill No. 398 of the 90th Legislature is  
13 enacted into law.