

Act No. 37
Public Acts of 2013
Approved by the Governor
May 28, 2013
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Senator Walker

ENROLLED SENATE BILL No. 16

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 43559 (MCL 324.43559), as amended by 1998 PA 95, and by adding section 1616.

The People of the State of Michigan enact:

Sec. 1616. (1) The department shall enforce the compact and shall do all things within the department's jurisdiction that are appropriate in order to effectuate the purposes and the intent of the compact.

(2) On behalf of this state, the department may do either of the following:

(a) Withdraw from the compact under article VIII of the compact.

(b) Adopt amendments to the compact under article IX of the compact.

(3) Pursuant to article IV(a) of the compact, if the department receives notice from the licensing authority of an issuing state that a resident of this state has failed to comply with the terms of a citation, the department shall suspend the license privileges of the resident.

(4) Pursuant to article IV(b) of the compact, if the department receives notice of conviction of a resident of this state from the licensing authority of an issuing state, the department shall suspend the license privileges of the resident if the conviction would have resulted in mandatory suspension of the license had it occurred in this state. The department may suspend the license privileges if the conviction could have resulted in discretionary suspension of the license had the conviction occurred in this state.

(5) Pursuant to article V(a) of the compact, if the department receives notice of the suspension of any person's license privileges by a participating state, the department shall determine whether the violation leading to the suspension would have led to the suspension of license privileges under this state's law in accordance with the compact manual. If the department determines that the person's license privileges would have been suspended, the department may suspend the person's license privileges for the same period as imposed by the participating state, but not to exceed the maximum period allowed by the law of this state.

(6) If the department suspends a person's license privileges pursuant to the compact, the department shall provide the person with an opportunity for an evidentiary hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, limited to the following grounds:

(a) Whether, under article IV(a) of the compact, the person failed to comply with the terms of a citation in another participating state.

(b) Whether, under article IV(b) of the compact, there was a conviction in another participating state and the conviction would have led to the suspension of license privileges under this state's law, the conviction is on appeal in the participating state, or the alleged violator is not the proper party.

(c) Whether, under article V of the compact, a participating state suspended the person's license privileges and the violation leading to the suspension would have led to the forfeiture of privileges under this state's law, the conviction is on appeal in the participating state, or the alleged violator is not the proper party.

(7) An evidentiary hearing shall be requested within 20 days after the department sends the person notice of the suspension. The person shall surrender to the department any licenses issued under part 435 to the person within 10 days after notice of the suspension is sent. The department shall, by first-class mail, send to any resident of this state at his or her last known address notice of the suspension, of the opportunity for an evidentiary hearing, and of the obligation to surrender licenses.

(8) A person who fails to surrender a license under subsection (7) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$25.00 or more than \$250.00, or both.

(9) As used in this section, "compact" means the interstate wildlife violator compact provided for in section 1615. If a term defined in article II of the compact is used in this section, the definitions in article II of the compact apply to that term as used in this section.

Sec. 43559. (1) If a person is convicted of violating this part, or another law relative to hunting, fishing, or trapping that does not otherwise require the revocation of, or prohibit the securing of, 1 or more licenses, the court may order the revocation of 1 or more of the person's licenses and may by order provide that the person shall not secure 1 or more licenses for not less than the remainder of the year in which convicted and during the next succeeding year, or longer in the discretion of the court.

(2) The department shall comply with a suspension order issued as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, within 7 days after receipt of the suspension order.

(3) An order rescinding a suspension order issued under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, is effective upon its entry by the court and purchase by the licensee of a replacement license.

(4) If a person is charged with, or convicted of, a violation of this part, or another law relative to hunting, fishing, or trapping, and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court within 14 days after the notice is issued, the department shall suspend the person's hunting, fishing, and trapping licenses. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court within the 14-day period, the court shall immediately inform the department. The department shall immediately suspend the person's hunting, fishing, and trapping licenses and notify the person of the suspension by first-class mail sent to the person's last known address.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor