

HOUSE BILL No. 6362

September 25, 2018, Introduced by Rep. LaFave and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled

"Natural resources and environmental protection act,"

by amending sections 1616, 35106, 35108, 36507, 40112, 40118, 40903, 41105, 42106, 43558, 43560, 44522, 44524, 46509, 48702b, 48738, 48739, 51120, 51512, 52908, 73110, 74122, 76107, 76116, 80124, 80143, 80147, 80149, 80156, 80166, 80167, 80171, 80205, 80219, 80319, 80322, 81112, 81145, 81146, 81147, 82116, 82118, 82126b, 82133, 82134, 82135, and 82158 (MCL 324.1616, 324.35106, 324.35108, 324.36507, 324.40112, 324.40118, 324.40903, 324.41105, 324.42106, 324.43558, 324.43560, 324.44522, 324.44524, 324.46509, 324.48702b, 324.48738, 324.48739, 324.51120, 324.51512, 324.52908, 324.73110, 324.74122, 324.76107, 324.76116, 324.80124, 324.80143, 324.80147, 324.80149, 324.80156, 324.80166, 324.80167, 324.80171,

324.80205, 324.80219, 324.80319, 324.80322, 324.81112, 324.81145, 324.81146, 324.81147, 324.82116, 324.82118, 324.82126b, 324.82133, 324.82134, 324.82135, and 324.82158), section 1616 as added by 2013 PA 37, section 35106 as added by 1995 PA 59, section 35108 as amended by 1996 PA 290, section 36507 as amended by 1996 PA 128, section 40112 as amended by 2015 PA 12, section 40118 as amended by 2017 PA 124, sections 40903, 41105, 42106, 43560, 46509, 48739, 51120, and 51512 as added by 1995 PA 57, section 43558 as amended by 2013 PA 108, sections 44522 and 80124 as amended by 2012 PA 294, section 44524 as amended by 2012 PA 249, section 48702b as added by 1996 PA 318, section 48738 as amended by 2014 PA 541, sections 52908 and 76107 as amended by 2001 PA 155, section 73110 as amended by 2013 PA 176, section 74122 as amended by 2010 PA 33, sections 76116, 80147, 80167, 80319, 80322, 81145, 81146, 82116, 82133, 82134, 82135, and 82158 as added by 1995 PA 58, section 80143 as added by 2012 PA 59, section 80149 as amended by 2007 PA 8, section 80156 as amended by 1996 PA 274, section 80166 as amended by 2012 PA 62, section 80171 as amended by 2014 PA 402, section 80205 as amended by 2018 PA 237, section 80219 as added by 2000 PA 229, section 81112 as amended by 2005 PA 271, section 81147 as amended by 2014 PA 147, section 82118 as amended by 2010 PA 371, and section 82126b as added by 1998 PA 461.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

21 (5) Pursuant to article V(a) of the compact, if the department
22 receives notice of the suspension of any person's license
23 privileges by a participating state, the department shall determine
24 whether the violation leading to the suspension would have led to
25 the suspension of license privileges under this state's law in
26 accordance with the compact manual. If the department determines
27 that the person's license privileges would have been suspended, the

1 department may suspend the person's license privileges for the same
2 period as imposed by the participating state, but not to exceed the
3 maximum period allowed by the law of this state.

4 (6) If the department suspends a person's license privileges
5 pursuant to the compact, the department shall provide the person
6 with an opportunity for an evidentiary hearing under the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328, limited to the following grounds:

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

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

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

23 (7) An evidentiary hearing shall be requested within 20 days
24 after the department sends the person notice of the suspension. The
25 person shall surrender to the department any licenses issued under
26 part 435 to the person within 10 days after notice of the
27 suspension is sent. The department shall, by first-class mail, send

1 to any resident of this state at his or her last known address
 2 notice of the suspension, of the opportunity for an evidentiary
 3 hearing, and of the obligation to surrender licenses.

4 (8) A person who fails to surrender a license under subsection
 5 (7) is ~~guilty of a misdemeanor punishable by imprisonment for not~~
 6 ~~more than 90 days or a fine of not less than~~ **RESPONSIBLE FOR A**
 7 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
 8 **\$25.00. ~~or more than \$250.00, or both.~~**

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

14 Sec. 35106. A person who lands an aircraft or operates a motor
 15 vehicle, motorboat, or other form of mechanical transport in a
 16 wilderness area, wild area, or natural area without the express
 17 written consent of the department is ~~guilty of a~~
 18 ~~misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
 19 **ORDERED TO PAY A CIVIL FINE OF \$500.00.**

20 Sec. 35108. The department shall post signs in appropriate
 21 locations along the borders of a wilderness area, wild area, or
 22 natural area. The signs shall give notice of the area's dedication
 23 and may state those activities that are prohibited under section
 24 35105 and those activities that are ~~punishable as a misdemeanor~~
 25 ~~pursuant to~~ **STATE CIVIL INFRACTIONS UNDER** section 35106.

26 Sec. 36507. A person who violates this part or who fails to
 27 procure any permit required under this part is ~~guilty of a~~

1 ~~misdemeanor punishable by imprisonment for not more than 90 days,~~
2 ~~or a fine of not more than \$1,000.00 or less than~~ **RESPONSIBLE FOR A**
3 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
4 \$100.00. ~~or both.~~

5 Sec. 40112. (1) An individual shall not obstruct or interfere
6 in the lawful taking of animals or fish by another individual.

7 (2) An individual violates this section ~~when~~ **IF** the individual
8 intentionally or knowingly does any of the following:

9 (a) Drives or disturbs animals or fish for the purpose of
10 disrupting a lawful taking.

11 (b) Blocks, impedes, or harasses another individual who is
12 engaged in the process of lawfully taking an animal or fish.

13 (c) Uses a natural or artificial visual, aural, olfactory,
14 gustatory, or physical stimulus or an unmanned vehicle or unmanned
15 device that uses aerodynamic forces to achieve flight or that
16 operates on the surface of the water or underwater, to affect
17 animal or fish behavior in order to hinder or prevent the lawful
18 taking of an animal or a fish.

19 (d) Erects barriers to deny ingress or egress to areas where
20 the lawful taking of animals or fish may occur. This subdivision
21 does not apply to an individual who erects barriers to prevent
22 trespassing on his or her property.

23 (e) Interjects himself or herself into the line of fire of an
24 individual lawfully taking wildlife.

25 (f) Affects the condition or placement of personal or public
26 property intended for use in the lawful taking of an animal or a
27 fish in order to impair the usefulness of the property or prevent

1 the use of the property.

2 (g) Enters or remains upon private ~~lands~~**LAND** without the
3 permission of the owner or the owner's agent, for the purpose of
4 violating this section.

5 (h) Engages in any other act or behavior for the purpose of
6 violating this section.

7 (3) Upon petition of an aggrieved person or an individual who
8 reasonably may be aggrieved by a violation of this section, a court
9 of competent jurisdiction, upon a showing that an individual was
10 engaged in and threatens to continue to engage in illegal conduct
11 under this section, may enjoin that conduct.

12 (4) An individual who violates this section is ~~guilty of a~~
13 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~
14 ~~a fine of not less than~~**RESPONSIBLE FOR A STATE CIVIL INFRACTION**
15 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF** \$500.00. ~~or more than~~
16 ~~\$1,000.00, or both, and the costs of prosecution.~~ An individual who
17 violates this section a second or subsequent time is guilty of a
18 misdemeanor punishable by imprisonment for not more than 1 year or
19 a fine of not less than \$1,000.00 or more than \$2,500.00, or both,
20 and the costs of prosecution. In addition to the ~~penalties~~
21 **SANCTIONS** provided for in this subsection, any permit or license
22 issued by the department authorizing the individual to take animals
23 or fish shall be revoked. A prosecution under this section does not
24 preclude prosecution or other action under any other criminal or
25 civil statute.

26 (5) This section does not apply to a peace officer while the
27 peace officer performs his or her lawful duties.

1 Sec. 40118. (1) An individual who violates this part, an order
2 or interim order issued under this part, or a condition of a permit
3 issued under this part, except for a violation specified in
4 subsections (2) to (18), is ~~guilty of a misdemeanor punishable by~~
5 ~~imprisonment for not more than 90 days, or a fine of not less than~~
6 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
7 **A CIVIL FINE OF \$50.00.** ~~or more than \$500.00, or both, and the~~
8 ~~costs of prosecution.~~ In addition, a permit issued by the
9 department under this part must be revoked pursuant to the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
11 24.328.

12 (2) An individual who violates a provision of this part or an
13 order or interim order issued under this part regarding the
14 possession or taking of any game, except deer, bear, wild turkey,
15 wolf, waterfowl, moose, or elk, is ~~guilty of a misdemeanor~~
16 ~~punishable by imprisonment for not more than 90 days, or a fine of~~
17 ~~not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
18 **ORDERED TO PAY A CIVIL FINE OF \$100.00.** ~~or more than \$1,000.00, or~~
19 ~~both, and the costs of prosecution.~~

20 (3) Except as otherwise provided in this subsection, an
21 individual who violates a provision of this part or an order or
22 interim order issued under this part regarding the possession or
23 taking of deer, bear, wild turkey, or wolf is ~~guilty of a~~
24 ~~misdemeanor and shall be punished by imprisonment for not less than~~
25 ~~5 days or more than 90 days, and a fine of not less than~~
26 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
27 **A CIVIL FINE OF \$200.00.** ~~or more than \$1,000.00, and the costs of~~

1 ~~prosecution.~~ An individual shall not be ~~punished~~ **PROSECUTED** under
2 this subsection for lawfully removing, capturing, or destroying a
3 wolf under 2008 PA 290, MCL 324.95151 to 324.95155, or 2008 PA 318,
4 MCL 324.95161 to 324.95167.

5 (4) An individual who violates a provision of this part or an
6 order or interim order issued under this part regarding the
7 possession or taking of elk is ~~guilty of a misdemeanor punishable~~
8 ~~by imprisonment for not less than 30 days or more than 180 days, or~~
9 ~~a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
10 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00.** ~~or more than~~
11 ~~\$2,000.00, or both, and the costs of prosecution.~~

12 (5) An individual who violates a provision of this part or an
13 order or interim order issued under this part regarding the
14 possession or taking of moose is ~~guilty of a misdemeanor punishable~~
15 ~~by imprisonment for not less than 90 days or more than 1 year and a~~
16 ~~fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND**
17 **MAY BE ORDERED TO PAY A CIVIL FINE OF \$1,000.00.** ~~or more than~~
18 ~~\$5,000.00, and the costs of prosecution.~~

19 (6) An individual who violates a provision of this part or an
20 order or interim order issued under this part regarding the
21 possession or taking of waterfowl is ~~guilty of a misdemeanor~~
22 ~~punishable by imprisonment for not more than 90 days or a fine of~~
23 ~~not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
24 **ORDERED TO PAY A CIVIL FINE OF \$250.00.** ~~or more than \$500.00, or~~
25 ~~both, and the costs of prosecution.~~ An individual who violates a
26 provision of this part or an order or interim order issued under
27 this part regarding the possession or taking of waterfowl a second

1 or subsequent time is guilty of a misdemeanor punishable by
 2 imprisonment for not more than 90 days or a fine of \$500.00, or
 3 both, and the costs of prosecution.

4 (7) An individual **JUDGED RESPONSIBLE OR** sentenced under
 5 subsection (3), (14), or (15) shall not secure or possess a license
 6 of any kind to hunt during the remainder of the year in which
 7 convicted and the next 3 succeeding calendar years. An individual
 8 ~~sentenced~~ **JUDGED RESPONSIBLE** under subsection (11) shall not secure
 9 or possess a license to hunt during the remainder of the year in
 10 which convicted and the next succeeding calendar year, or longer in
 11 the discretion of the court.

12 (8) In addition to the ~~penalties~~ **SANCTIONS** provided for
 13 violating this part or an order issued under this part, an
 14 individual convicted of **OR JUDGED RESPONSIBLE FOR** the illegal
 15 killing, possessing, purchasing, or selling of a bear or an
 16 antlered white-tailed deer is subject to the following
 17 ~~penalties:~~ **SANCTIONS:**

18 (a) For a first ~~offense,~~ **VIOLATION**, the individual shall not
 19 secure or possess a license of any kind to hunt for ~~an additional~~ 2
 20 calendar years. ~~after the penalties imposed under subsection (7).~~
 21 **THE 2 CALENDAR YEARS ARE IN ADDITION TO AND BEGIN AT THE**
 22 **TERMINATION OF THE SANCTIONS IMPOSED UNDER SUBSECTION (7), IF**
 23 **APPLICABLE.**

24 (b) For a second or subsequent ~~offense,~~ **VIOLATION**, the
 25 individual shall not secure or possess a license of any kind to
 26 hunt for ~~an additional~~ 7 calendar years. ~~after the penalties~~
 27 ~~imposed under subsection (7).~~ **THE 7 CALENDAR YEARS ARE IN ADDITION**

1 TO AND BEGIN AT THE TERMINATION OF THE SANCTIONS IMPOSED UNDER
2 SUBSECTION (7), IF APPLICABLE.

3 (9) In addition to the ~~penalties~~**SANCTIONS** provided for
4 violating this part or an order issued under this part, an
5 individual convicted of **OR JUDGED RESPONSIBLE FOR** the illegal
6 killing, possessing, purchasing, or selling of a wild turkey shall
7 not secure or possess a license of any kind to hunt for ~~an~~
8 ~~additional 2 calendar years. after the penalties imposed under~~
9 ~~subsection (7).~~**THE 2 CALENDAR YEARS ARE IN ADDITION TO AND BEGIN**
10 **AT THE TERMINATION OF THE SANCTIONS IMPOSED UNDER SUBSECTION (7),**
11 **IF APPLICABLE.**

12 (10) An individual ~~sentenced~~**JUDGED RESPONSIBLE** under
13 subsection (4) or (5) is subject to the following
14 ~~penalties:~~**SANCTIONS:**

15 (a) For a first ~~offense,~~**VIOLATION**, the individual shall not
16 secure or possess a license of any kind to hunt for the remainder
17 of the year in which ~~convicted~~**JUDGED RESPONSIBLE** and the next 15
18 succeeding calendar years.

19 (b) For a second ~~offense,~~**VIOLATION**, the individual shall not
20 secure or possess a license of any kind to hunt for the remainder
21 of that individual's life.

22 (11) An individual who violates section 40113(1) is ~~guilty of~~
23 ~~a misdemeanor punishable by imprisonment for not less than 5 days~~
24 ~~or more than 90 days, or a fine of not less than~~**RESPONSIBLE FOR A**
25 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
26 **\$100.00. ~~or more than \$500.00, or both, and the costs of~~**
27 ~~prosecution.~~

1 (12) An individual who violates section 40113(2) is ~~guilty of~~
2 ~~a misdemeanor punishable by imprisonment for not more than 90 days,~~
3 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
4 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$50.00.** ~~or more than~~
5 ~~\$500.00, or both, and the costs of prosecution.~~

6 (13) An individual who violates section 40113(3) is ~~guilty of~~
7 ~~a misdemeanor punishable by imprisonment for not less than 5 days~~
8 ~~or more than 90 days and a fine of not less than~~ **RESPONSIBLE FOR A**
9 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
10 **\$100.00.** ~~or more than \$500.00, and the costs of prosecution.~~

11 (14) An individual who violates a provision of this part or an
12 order or interim order issued under this part regarding the taking
13 or possession of an animal that has been designated by the
14 department to be a protected animal, other than an animal that
15 appears on a list prepared under section 36505, is ~~guilty of a~~
16 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
17 ~~a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
18 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.** ~~or more than~~
19 ~~\$1,000.00, or both, and the costs of prosecution.~~

20 (15) An individual who buys or sells game or a protected
21 animal in violation of this part or an order or interim order
22 issued under this part is ~~guilty of a misdemeanor punishable by~~
23 ~~imprisonment for not more than 90 days or a fine of not more than~~
24 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
25 **A CIVIL FINE OF \$1,000.00** ~~, or both,~~ for the first offense,
26 **VIOLATION**, and is guilty of a felony for each subsequent
27 offense. **VIOLATION.**

1 (16) An individual who willfully violates a provision of this
2 part or an order or interim order issued under this part by using
3 an illegally constructed snare or cable restraint is ~~guilty of a~~
4 ~~misdemeanor punishable by imprisonment for not more than 90 days,~~
5 ~~or a fine of~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
6 **ORDERED TO PAY A CIVIL FINE OF** \$1,000.00 for the first illegally
7 constructed snare or cable restraint and \$250.00 for each
8 subsequent illegally constructed snare or cable restraint, or both.
9 ~~, and the costs of prosecution.~~

10 (17) An individual who violates a provision of this part or an
11 order or interim order issued under this part regarding the
12 importation of a cervid carcass or parts of a cervid carcass, other
13 than hides, deboned meat, quarters or other parts of a cervid that
14 do not have any part of the spinal column or head attached,
15 finished taxidermy products, cleaned teeth, antlers, or antlers
16 attached to a skullcap cleaned of brain and muscle tissue, from
17 another state or province is ~~guilty of a misdemeanor punishable by~~
18 ~~imprisonment for not more than 90 days or a fine of not less than~~
19 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
20 **A CIVIL FINE OF** \$500.00. ~~or more than \$2,000.00, or both, and the~~
21 ~~costs of prosecution.~~

22 (18) If an individual is **JUDGED RESPONSIBLE FOR OR** convicted
23 of a violation of this part or an order or interim order issued
24 under this part and it is alleged in the complaint and proved or
25 admitted at trial or ascertained by the court after **THE JUDGMENT OF**
26 **RESPONSIBILITY OR** conviction that the individual ~~had been~~
27 ~~previously~~ **WAS JUDGED RESPONSIBLE OR** convicted 2 times within the

1 preceding 5 years for a violation of this part or an order or
 2 interim order issued under this part, the individual is ~~guilty of a~~
 3 ~~misdemeanor punishable by imprisonment for not less than 10 days or~~
 4 ~~more than 180 days, and a fine of not less than~~ **RESPONSIBLE FOR A**
 5 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
 6 \$500.00. ~~or more than \$2,000.00, and costs of prosecution.~~

7 Sec. 40903. A person who violates this part, ~~upon conviction~~
 8 ~~of a first offense, is guilty of a misdemeanor, punishable by~~
 9 ~~imprisonment for not more than 90 days, or a fine of not less than~~
 10 **IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO**
 11 **PAY A CIVIL FINE OF \$25.00.** ~~or more than \$100.00 and the cost of~~
 12 ~~prosecution, or both.~~

13 Sec. 41105. A person who takes or kills any fish, game, or
 14 fur-bearing animal, or game bird, contrary to an order or rule
 15 promulgated under this part, or who violates this part, is ~~guilty~~
 16 ~~of a misdemeanor, punishable for the first offense by imprisonment~~
 17 ~~for not more than 60 days or a fine of not more than~~ **RESPONSIBLE**
 18 **FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE**
 19 **OF \$100.00.** For each ~~offense~~ **VIOLATION** that is charged as a second
 20 or subsequent ~~offense,~~ **VIOLATION**, the person is guilty of a
 21 misdemeanor, punishable by imprisonment for not less than 20 days
 22 or more than 90 days, or a fine of not less than \$50.00 or more
 23 than \$250.00.

24 Sec. 42106. A person who violates this part or any rule
 25 promulgated under section 42102 or 42104, ~~upon conviction, is~~
 26 ~~guilty of a misdemeanor, punishable by imprisonment for not more~~
 27 ~~than 90 days, or a fine of not more than~~ **IS RESPONSIBLE FOR A STATE**

1 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.**
 2 ~~and costs of prosecution, or both.~~

3 Sec. 43558. (1) A person is ~~guilty of a misdemeanor if the~~
 4 ~~person does~~ **SHALL NOT DO** any of the following:

5 (a) ~~Makes~~ **MAKE** a false statement as to material facts for the
 6 purpose of obtaining a license or ~~uses~~ **USE** or ~~attempts~~ **ATTEMPT** to
 7 use a license obtained by making a false statement.

8 (b) ~~Affixes~~ **AFFIX** to a license a date or time other than the
 9 date or time issued.

10 (c) ~~Issues~~ **ISSUE** a license without receiving and remitting the
 11 fee to the department.

12 (d) Without a license, ~~takes or possesses~~ **TAKE OR POSSESS** a
 13 wild animal, wild bird, or aquatic species, except aquatic insects.
 14 This subdivision does not apply to a person less than 17 years of
 15 age who without a license takes or possesses aquatic species.

16 (e) ~~Sells, loans, or permits~~ **SELL, LOAN, OR PERMIT** in any
 17 manner another person to use the person's license or ~~uses~~ **USE** or
 18 ~~attempts~~ **ATTEMPT** to use another person's license.

19 (f) Falsely ~~makes, alters, forges, or counterfeits~~ **MAKE,**
 20 **ALTER, FORGE, OR COUNTERFEIT** a sportcard or a hunting, fishing, or
 21 fur harvester's license or ~~possesses~~ **POSSESS** an altered, forged, or
 22 counterfeited hunting, fishing, or fur harvester's license.

23 (g) ~~Uses~~ **USE** a tag furnished with a deer license, bear hunting
 24 license, elk hunting license, or wild turkey hunting license more
 25 than 1 time, or ~~attaches~~ **ATTACH** or ~~allows~~ **ALLOW** a tag to be
 26 attached to a deer, bear, elk, or turkey other than a deer, bear,
 27 elk, or turkey lawfully killed by the person.

1 (h) Except as provided by law, ~~makes an application for,~~
 2 ~~obtains, APPLY FOR, OBTAIN, or purchases~~ **PURCHASE** more than 1
 3 license for a hunting, fishing, or trapping season, not including a
 4 limited fishing license, second deer license, antlerless deer
 5 license, or other license specifically authorized by law, or if the
 6 applicant's license has been lost or destroyed.

7 (i) ~~Applies for, obtains, APPLY FOR, OBTAIN, or purchases~~
 8 **PURCHASE** a license ~~during a time that~~ **WHEN** the person is ineligible
 9 to secure a license.

10 (j) Knowingly ~~obtains, OBTAIN or attempts~~ **ATTEMPT** to obtain ~~7~~
 11 a resident or a senior license if that person is not a resident of
 12 this state.

13 (2) Except as provided in subsection (5), a person who
 14 violates subsection (1) ~~shall be punished by imprisonment for not~~
 15 ~~more than 90 days, or a fine of not less than~~ **IS RESPONSIBLE FOR A**
 16 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
 17 **\$25.00.** ~~or more than \$250.00 and the costs of prosecution, or both.~~
 18 In addition, the person shall surrender any license and license tag
 19 that was wrongfully obtained.

20 (3) A person licensed to carry a firearm under this part is
 21 prohibited from doing so while under the influence of a controlled
 22 substance or alcohol or a combination of a controlled substance and
 23 alcohol. A person who violates this subsection is ~~guilty of a~~
 24 ~~misdemeanor, punishable by imprisonment for 90 days, or a fine of~~
 25 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
 26 **A CIVIL FINE OF \$500.00.** ~~, or both.~~

27 (4) An applicant for a license under this part who has

1 previously been **JUDGED RESPONSIBLE FOR OR** convicted of a violation
 2 of the game and fish laws of this state may be required to file an
 3 application with the department together with other information
 4 that the department considers expedient. The license may be issued
 5 by the department.

6 (5) A person who violates subsection (1)(d), upon a showing
 7 that the person was ineligible to secure a license under court
 8 order or other lawful authority, is ~~guilty of a misdemeanor,~~
 9 ~~punishable by imprisonment for not more than 180 days, or a fine of~~
 10 ~~not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
 11 **ORDERED TO PAY A CIVIL FINE OF** \$500.00. ~~and not more than~~
 12 ~~\$2,500.00, or both, and the costs of prosecution.~~

13 Sec. 43560. A person who violates this part or a rule
 14 promulgated under this part, for which violation a ~~penalty~~ **SANCTION**
 15 is not otherwise provided for in this part, is ~~guilty of a~~
 16 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~
 17 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
 18 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF** \$25.00. ~~or more than~~
 19 ~~\$250.00 and the costs of prosecution, or both.~~

20 Sec. 44522. (1) A boat livery shall not rent a personal
 21 watercraft to any of the following:

22 (a) A person who is under 14 years of age.

23 (b) A person who does not display a boater safety certificate
 24 that is issued by the department if required under part 802.

25 (c) A person who is not required to obtain a boater safety
 26 certificate issued by the department under part 802 before
 27 operating a personal watercraft, unless the person obtains training

1 in the safe use of a personal watercraft from the boat livery
2 before the personal watercraft is rented. The department shall
3 provide to boat liveries guidelines for the training required under
4 this subdivision.

5 (2) A person who rents a personal watercraft from a boat
6 livery shall not permit an individual to operate the personal
7 watercraft if the individual has not obtained a boating safety
8 certificate as required under part 802.

9 (3) A boat livery shall provide a copy of the written rental
10 agreement to each individual who rents a personal watercraft from
11 the boat livery and who has obtained the training required under
12 subsection (1) **(C)**. The written rental agreement shall include all
13 of the following information:

14 (a) The name of the person who rents a personal watercraft
15 from the boat livery.

16 (b) The date or dates of the rental.

17 (4) The written rental agreement described under subsection
18 (3) is a valid boating safety certificate under part 802 only for
19 the person named in the certificate on the date or dates of the
20 rental of the personal watercraft.

21 (5) A person who rents a personal watercraft from a boat
22 livery is liable for any injury occasioned by the negligent
23 operation of the personal watercraft, whether the negligence
24 consists of a violation of the statutes of this state, or the
25 failure to observe the ordinary care in operation required by the
26 common law. The person is not liable unless the personal watercraft
27 is being used with his or her expressed or implied consent. It

1 shall be rebuttably presumed that the personal watercraft is being
 2 operated with the knowledge and consent of the person if it is
 3 driven at the time of the injury by his or her son, daughter,
 4 spouse, father, mother, brother, sister, or other immediate member
 5 of the person's family.

6 (6) A person who violates subsection (1) or (2) is ~~guilty of a~~
 7 ~~misdemeanor, punishable by imprisonment for not more than 90 days~~
 8 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
 9 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF** \$100.00. ~~or more than~~
 10 ~~\$500.00, or both.~~ A person who violates subsection (1) or (2) twice
 11 within a 3-year period is guilty of a misdemeanor punishable by
 12 imprisonment for not more than 90 days or a fine of not more than
 13 \$1,000.00, or both. A person who violates subsection (1) or (2) 3
 14 or more times within a 5-year period is guilty of a misdemeanor
 15 punishable by imprisonment for not more than 90 days or a fine of
 16 not more than \$2,000.00, or both.

17 (7) In addition to any penalty imposed under subsection (6),
 18 upon a person's second or subsequent violation of subsection (1),
 19 the court may issue an order impounding the personal watercraft
 20 that was rented in violation of subsection (1) for not more than 1
 21 year. The cost of storage for an impoundment ordered under this
 22 subsection shall be paid by the owner of the personal watercraft.

23 Sec. 44524. (1) A person who violates this part or a rule
 24 promulgated under this part **FOR WHICH A SANCTION IS NOT OTHERWISE**
 25 **PROVIDED** is ~~guilty of a misdemeanor punishable by imprisonment for~~
 26 ~~not more than 1 year or a fine of not more than~~ **RESPONSIBLE FOR A**
 27 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**

1 \$1,000.00. ~~or both.~~

2 (2) When a vessel is operated in violation of section 44502,
3 44509, or 44516(1) or (2), the vessel may be seized as evidence,
4 and upon conviction of the owner, the vessel may be condemned and
5 confiscated in the same manner as provided for under part 16.

6 (3) A peace officer may issue an appearance ticket to any
7 person violating this part or a rule promulgated under this part.

8 Sec. 46509. (1) A person who violates this part is ~~guilty of a~~
9 ~~misdemeanor, punishable by imprisonment for not more than 30 days,~~
10 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
11 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.** ~~or more than~~
12 ~~\$500.00, or both, and costs of prosecution.~~

13 (2) Upon ~~conviction~~ **JUDGING THE DEFENDANT RESPONSIBLE** for the
14 violation of this part, the court shall order the defendant to
15 reimburse the governmental entity that removes or provides for the
16 removal of the fishing shanty from the water or ice an amount equal
17 to 3 times the cost of removal.

18 Sec. 48702b. (1) Upon petition of an aggrieved person or a
19 person who reasonably may be aggrieved by a violation of section
20 48702a , a court of competent jurisdiction, upon a showing that a
21 person was engaged in and threatens to continue to engage in
22 illegal conduct under section 48702a, may enjoin that conduct.

23 (2) A person who violates section 48702a is ~~guilty of a~~
24 ~~misdemeanor, punishable by imprisonment for not more than 93 days,~~
25 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
26 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00.** ~~or more than~~
27 ~~\$1,000.00, or both, and the costs of prosecution.~~ A person who

1 violates section 48702a a second or subsequent time is guilty of a
 2 misdemeanor, punishable by imprisonment for not more than 1 year,
 3 or a fine of not less than \$1,000.00 or more than \$2,500.00, or
 4 both, and the costs of prosecution. In addition to the ~~penalties~~
 5 **SANCTIONS** provided for in this subsection, any permit or license
 6 issued by the department authorizing the person to take aquatic
 7 species shall be revoked. A prosecution under this subsection does
 8 not preclude prosecution or other action under any other criminal
 9 or civil statute.

10 (3) Section 48702a does not apply to a peace officer while the
 11 peace officer performs his or her lawful duties.

12 Sec. 48738. (1) A person who violates this part or rules or
 13 orders issued to implement this part, if a ~~penalty~~ **SANCTION** is not
 14 otherwise provided for that violation in this section, is ~~guilty of~~
 15 ~~a misdemeanor punishable by imprisonment for not more than 90 days~~
 16 ~~or a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
 17 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00. , or both.**

18 (2) A person ~~convicted of using~~ **WHO USES** dynamite,
 19 nitroglycerin, any other explosive substance, lime, electricity, or
 20 poison for the purpose of taking or killing fish, ~~convicted of~~
 21 ~~using~~ **WHO USES** nets not authorized by law for taking game fish, or
 22 ~~convicted of buying or selling~~ **WHO BUYS OR SELLS** game fish or any
 23 parts of game fish is ~~guilty of a misdemeanor punishable by~~
 24 ~~imprisonment for not more than 90 days or a fine of not less than~~
 25 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
 26 **A CIVIL FINE OF \$250.00. or more than \$1,000.00, or both.**

27 (3) A person who takes or possesses sturgeon in violation of

1 this part or rules or orders issued to implement this part is
2 ~~guilty of a misdemeanor and shall be punished by imprisonment for~~
3 ~~not less than 30 days or more than 180 days and a fine of not less~~
4 ~~than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO**
5 **PAY A CIVIL FINE OF \$500.00.** ~~or more than \$2,000.00, or both, and~~
6 ~~the costs of prosecution.~~

7 (4) A person who knowingly violates section ~~48735(2) or (4)~~
8 **48735(4), A RULE OR REGULATIONS UNDER SECTION 48735(2),** or a permit
9 issued under section 48735(2) or (4) with respect to a genetically
10 engineered variant of a fish species is guilty of a felony
11 punishable by imprisonment for not more than 5 years or a fine of
12 not more than \$250,000.00, or both. In addition, the person is
13 liable for any damages to the natural resources resulting from the
14 violation, including, but not limited to, costs incurred to prevent
15 or minimize such damages.

16 (5) If a person is convicted of a violation of this part or
17 rules or orders issued to implement this part and it is alleged in
18 the complaint and proved or admitted at trial or ascertained by the
19 court at the time of sentencing that the person has been previously
20 convicted 3 or more times of a violation of this part within the 5
21 years immediately preceding the last violation of this part, the
22 person is guilty of a misdemeanor punishable by imprisonment for
23 not more than 90 days or a fine of not more than \$1,000.00, or
24 both, and the costs of prosecution. This subsection does not apply
25 to the following violations:

26 (a) Failing to possess or display a valid fishing license
27 issued pursuant to part 435.

1 (b) Taking or possessing an overlimit of bluegill, sunfish,
2 crappie, perch, or nongame fish.

3 (c) Taking or possessing not more than 5 undersized fish.

4 (d) Fishing with too many lines.

5 (e) Failing to attach the person's name and address to tip-ups
6 or minnow traps.

7 (f) Fishing with lines not under immediate control.

8 (6) In addition to the ~~penalties~~ **SANCTIONS** provided in this
9 section, a fishing license issued to a person **JUDGED RESPONSIBLE OR**
10 sentenced pursuant to subsection (2), (3), (4), or (5) shall be
11 revoked, and the person shall not be issued a license during the
12 remainder of the year in which convicted or during the next 3
13 succeeding license years.

14 (7) Subject to subsection (8), if any permit or license under
15 this part is ordered to be suspended or revoked under section 41309
16 and if the department maintains a database of suspensions or
17 revocations of permits or licenses under this part, the department
18 shall not issue a permit or license under this part to the person
19 for the period provided in the order.

20 (8) If a permit or license under this part is ordered to be
21 suspended under section 41309, the suspension remains in effect
22 until all of the following occur:

23 (a) The suspension period set forth in the court order has
24 elapsed.

25 (b) The person pays the department a reinstatement fee of
26 \$125.00.

27 (9) Unless a person's permit or license is otherwise

1 suspended, revoked, or denied, the permit or license is immediately
2 reinstated on satisfaction of the requirements of subsection (8).

3 Sec. 48739. (1) A person who snags fish in violation of this
4 part is ~~guilty of a misdemeanor, punishable by imprisonment for not~~
5 ~~more than 90 days, or a fine of not less than~~ **RESPONSIBLE FOR A**
6 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
7 \$250.00. ~~or more than \$500.00, or both, and costs of prosecution.~~

8 (2) A person who is convicted of a second violation of
9 snagging fish in violation of this part is guilty of a misdemeanor,
10 punishable by imprisonment for not more than 90 days, or a fine of
11 not less than \$500.00 or more than \$1,000.00, or both, and costs of
12 prosecution. In addition, the court shall suspend a sports fishing
13 license issued to a person sentenced under this subsection for not
14 less than 2 years and order that the person shall not secure a
15 fishing license during that 2-year period.

16 (3) A person who is convicted of a third or subsequent
17 violation of snagging fish in violation of this part is guilty of a
18 misdemeanor, punishable by imprisonment for not more than 90 days,
19 or a fine of not less than \$1,000.00 or more than \$2,000.00, or
20 both, and costs of prosecution. In addition, the court shall
21 suspend a sports fishing license issued to a person sentenced under
22 this subsection for not less than 3 years and order that the person
23 shall not secure a fishing license during that 3-year period.

24 (4) A person who possesses or sells in this state any
25 multipointed hook with a weight permanently attached is ~~guilty of a~~
26 ~~misdemeanor, punishable by imprisonment for not more than 90 days,~~
27 ~~or a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**

1 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.** ~~or more than~~
 2 ~~\$300.00, or both, and costs of prosecution.~~

3 (5) A person who is convicted of a second violation of
 4 subsection (4) is guilty of a misdemeanor, punishable by
 5 imprisonment for not more than 90 days, or a fine of not less than
 6 \$300.00 or more than \$500.00, or both, and costs of prosecution.

7 (6) A person who is convicted of a third or subsequent
 8 violation of subsection (4) is guilty of a misdemeanor, punishable
 9 by imprisonment for not more than 90 days, or a fine of not less
 10 than \$500.00 or more than \$1,000.00, or both, and costs of
 11 prosecution.

12 Sec. 51120. (1) Except as provided in subsection (2), a person
 13 who violates this part is ~~guilty of a misdemeanor punishable by~~
 14 ~~imprisonment for not more than 90 days or a fine of not more than~~
 15 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
 16 **A CIVIL FINE OF \$500.00.** ~~, or both.~~

17 (2) A person who harvests, cuts, or removes forest products
 18 having a value of more than \$2,500.00 in violation of this part is
 19 guilty of a felony punishable by imprisonment for not more than 3
 20 years or a fine of not more than \$10,000.00, or both.

21 (3) Upon **A JUDGMENT OF RESPONSIBILITY OR** conviction for a
 22 violation of this part, the court may declassify all or a portion
 23 of the commercial forest pursuant to section 51116.

24 Sec. 51512. ~~Any~~**A** person who violates this part or any rule
 25 promulgated under this part is ~~guilty of a misdemeanor.~~ ~~Any~~
 26 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
 27 **A CIVIL FINE OF \$500.00. HOWEVER, A** person convicted of violating

1 section 51510 is guilty of a felony and upon conviction shall be
 2 imprisoned for not more than 10 years or fined not more than
 3 \$10,000.00, or both.

4 Sec. 52908. (1) ~~A~~ **THE FOLLOWING APPLY TO A** person who violates
 5 this part: ~~is guilty of a crime as follows:~~

6 (a) If the damages are less than \$200.00, the person is ~~guilty~~
 7 ~~of a misdemeanor punishable by imprisonment for not more than 93~~
 8 ~~days or a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL**
 9 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF** \$500.00, or 3
 10 times the aggregate value of the property involved, whichever is
 11 greater. ~~, or both imprisonment and a fine.~~

12 (b) If any of the following apply, the person is guilty of a
 13 misdemeanor punishable by imprisonment for not more than 1 year or
 14 a fine of not more than \$2,000.00 or 3 times the value of the
 15 property involved, whichever is greater, or both imprisonment and a
 16 fine:

17 (i) The value of the property involved is \$200.00 or more but
 18 less than \$1,000.00.

19 (ii) The person violates subdivision (a) and has 1 or more
 20 prior **JUDGMENTS OF RESPONSIBILITY OR** convictions for committing or
 21 attempting to commit ~~an offense~~ **A VIOLATION** under this part.

22 (c) If any of the following apply, the person is guilty of a
 23 felony punishable by imprisonment for not more than 5 years or a
 24 fine of not more than \$10,000.00 or 3 times the value of the
 25 property involved, whichever is greater, or both imprisonment and a
 26 fine:

27 (i) The value of the property involved is \$1,000.00 or more

1 but less than \$20,000.00.

2 (ii) The person violates subdivision (b) (i) and has 1 or more
3 prior **JUDGMENTS OF RESPONSIBILITY OR** convictions for violating or
4 attempting to violate this part. For purposes of this subparagraph,
5 however, a prior **JUDGEMENT OF RESPONSIBILITY OR** conviction does not
6 include a **JUDGMENT OF RESPONSIBILITY OR** conviction for a violation
7 or attempted violation of subdivision (a) or (b) (ii).

8 (d) If any of the following apply, the person is guilty of a
9 felony punishable by imprisonment for not more than 10 years or a
10 fine of not more than \$15,000.00 or 3 times the value of the
11 property involved, whichever is greater, or both imprisonment and a
12 fine:

13 (i) The property involved has a value of \$20,000.00 or more.

14 (ii) The person violates subdivision (c) (i) and has 2 or more
15 prior convictions **OR JUDGMENTS OF RESPONSIBILITY** for committing or
16 attempting to commit ~~an offense~~ **A VIOLATION** under this part. For
17 purposes of this subparagraph, however, a prior **JUDGMENT OF**
18 **RESPONSIBILITY OR** conviction does not include a **JUDGMENT OF**
19 **RESPONSIBILITY OR** conviction for a violation or attempted violation
20 of subdivision (a) or (b) (ii).

21 (2) The values of property damaged in separate incidents
22 pursuant to a scheme or course of conduct within any 12-month
23 period may be aggregated to determine the total value of property
24 damaged.

25 (3) If the prosecuting attorney intends to seek an enhanced
26 sentence based upon the defendant having 1 or more prior **JUDGMENTS**
27 **OF RESPONSIBILITY OR** convictions, the prosecuting attorney shall

1 include on the complaint and information a statement listing the
 2 prior ~~conviction or convictions~~. **VIOLATIONS**. The existence of the
 3 defendant's prior ~~conviction or convictions~~ **VIOLATIONS** shall be
 4 determined by the court, without a jury, at sentencing or at a
 5 separate hearing for that purpose before sentencing. The existence
 6 of a prior ~~conviction~~ **VIOLATION** may be established by any evidence
 7 relevant for that purpose, including, but not limited to, 1 or more
 8 of the following:

9 (a) A copy of the judgment. ~~of conviction.~~

10 (b) A transcript of a prior trial, plea-taking, or sentencing.

11 (c) Information contained in a presentence report.

12 (d) The defendant's statement.

13 (4) If the sentence for a conviction under this section is
 14 enhanced by 1 or more prior convictions, those prior convictions
 15 shall not be used to further enhance the sentence for the
 16 conviction pursuant to section 10, 11, or 12 of chapter IX of the
 17 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
 18 769.12.

19 (5) A person who forges a bill of sale or other evidence of
 20 title prescribed by the department or the department of agriculture
 21 **AND RURAL DEVELOPMENT** or the federal agency that has jurisdiction
 22 is ~~guilty of a misdemeanor, punishable by imprisonment for not more~~
 23 ~~than 90 days, or a fine of not more than~~ **RESPONSIBLE FOR A STATE**
 24 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.**
 25 ~~, or both.~~

26 (6) In addition to the ~~penalties~~ **SANCTIONS** provided for in
 27 this section, a person who violates this part by illegally removing

1 or cutting a plant is liable in a civil action filed by the state
 2 or the property owner for up to 3 times the fair market value of
 3 the damage caused by the unlawful act or \$100.00, whichever is
 4 greater, and for court costs and attorney fees. Damages collected
 5 under this subsection shall be paid to the owner of the ~~lands~~**LAND**
 6 from which the plants were illegally removed or, if removed from
 7 state owned ~~lands~~**LAND**, to the state treasurer, who shall credit
 8 the deposit to the fund that was used to purchase the land on which
 9 the violation occurred.

10 (7) A person who violates this part by not having in his or
 11 her possession a current tax receipt or deed with respect to
 12 property, or a copy of the receipt or deed, indicating that the
 13 person owned the land from which the plants were taken shall not be
 14 prosecuted under this part for that violation if he or she
 15 subsequently produces a current tax receipt or deed showing that
 16 person's ownership of the property from which the plants were
 17 taken.

18 Sec. 73110. (1) Except as provided in subsection (2) or (3),
 19 an individual who violates this part is ~~guilty of a misdemeanor~~
 20 ~~punishable by imprisonment for not more than 90 days or a fine of~~
 21 ~~not less than~~**RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
 22 **ORDERED TO PAY A CIVIL FINE OF \$100.00. ~~or more than \$500.00, or~~**
 23 ~~both.~~

24 (2) An individual who kills any protected animal, game, or
 25 fish while violating this part is ~~guilty of a misdemeanor~~
 26 ~~punishable by imprisonment for not more than 90 days or a fine of~~
 27 ~~not less than~~**RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**

1 **ORDERED TO PAY A CIVIL FINE OF \$250.00.** ~~or more than \$750.00, or~~
 2 ~~both.~~

3 ~~—— (3) An individual convicted of a second or subsequent~~
 4 ~~violation of this part occurring within 3 years of a previous~~
 5 ~~violation of this part shall be punished by imprisonment for not~~
 6 ~~more than 90 days or a fine of not less than \$250.00 or more than~~
 7 ~~\$1,000.00, or both. In addition, the court shall order the~~
 8 ~~individual's license revoked if the individual is licensed to hunt,~~
 9 ~~fish, or trap in this state, and shall order the individual not to~~
 10 ~~seek or possess a license for the remainder of the calendar year in~~
 11 ~~which the individual is convicted and during at least 1 succeeding~~
 12 ~~calendar year. This subsection does not apply after September 30,~~
 13 ~~2001.~~

14 (3) ~~(4) This subsection applies beginning October 1, 2001. An~~
 15 individual convicted of a second or subsequent violation of this
 16 part occurring within 3 years of a previous violation of this part
 17 shall be punished by imprisonment for not more than 90 days or a
 18 fine of not less than \$500.00 or more than \$1,500.00, or both. In
 19 addition, the court may order the individual's license revoked if
 20 the individual is licensed to hunt, fish, or trap in this state,
 21 and may order the individual not to seek or possess a license for
 22 not more than 3 succeeding calendar years.

23 (4) ~~(5) The court may order an individual convicted of~~
 24 violating this part to pay the costs of prosecution.

25 (5) ~~(6) The following may be seized and forfeited in the same~~
 26 manner as provided in chapter 47 of the revised judicature act of
 27 1961, 1961 PA 236, MCL 600.4701 to ~~600.4709:~~**600.4710:**

1 (a) A protected animal, a fur-bearing animal, game, or fish
2 taken while committing any violation of this part.

3 (b) Property in the possession of the defendant while
4 committing a second or subsequent violation of this part occurring
5 within 3 years of a previous violation of this part. This
6 subdivision does not apply to either of the following:

7 (i) Electronic hunting-dog-retrieval equipment.

8 (ii) A living or dead animal of any kind not described in
9 subdivision (a).

10 (6) ~~(7)~~—The court shall order an individual **JUDGED RESPONSIBLE**
11 **FOR OR** convicted of violating this part to make restitution for any
12 damage arising out of the violation, including, but not limited to,
13 reimbursing this state for the value of any protected animal, fur-
14 bearing animal, game, or fish taken while violating this part as
15 provided in section 40119. However, the value of fish shall be
16 determined as provided in section 48740.

17 Sec. 74122. (1) A person who violates this part or a rule
18 promulgated under this part is ~~guilty of a misdemeanor.~~ **RESPONSIBLE**
19 **FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE**
20 **OF \$250.00.** This subsection does not apply to violations described
21 in subsection (2).

22 (2) A person who violates section 74116(1), (2), or (3) is
23 responsible for a state civil infraction and may be ordered to pay
24 a civil fine of not more than \$100.00. A person shall not be cited
25 for a violation of both section 74116(2) and section 74116(3) for
26 the same incident.

27 (3) In any proceeding for the violation of this part or a rule

1 promulgated under this part, if a motor vehicle is found parked in
2 a state park, the registration plate displayed on the motor vehicle
3 ~~constitutes~~**IS** prima facie evidence that the owner of the motor
4 vehicle was the person who parked or placed it at the location
5 where it was found.

6 (4) In addition to the ~~penalties~~**SANCTIONS** provided for in
7 subsection (1), a person ~~convicted of~~**JUDGED RESPONSIBLE FOR** an act
8 of vandalism to state park equipment, facilities, or resources
9 shall reimburse the department up to 3 times the amount of the
10 damage as determined by the court. All money collected pursuant to
11 this subsection shall be credited to the state park improvement
12 account.

13 Sec. 76107. (1) Except as provided in section 76108, a person
14 shall not recover, alter, or destroy abandoned property which is
15 in, on, under, or over the bottomlands of the Great Lakes,
16 including those within a Great Lakes bottomlands preserve, unless
17 the person has a permit issued jointly by the department of
18 history, arts, and libraries and the department under section
19 76109.

20 (2) A person who recovers abandoned property without a permit
21 when a permit is required by this part shall transmit the property
22 to the department of history, arts, and libraries and the recovered
23 property shall be the property of the department of history, arts,
24 and libraries.

25 (3) A person shall not remove, convey, mutilate, or deface a
26 human body or the remains of a human body located on the
27 bottomlands of the Great Lakes. This subsection does not apply to a

1 person who removes or conveys a human body or the remains of a
 2 human body pursuant to a court order, pursuant to the written
 3 consent of the decedent's next of kin if the decedent's death
 4 occurred less than 100 years before the removal or conveying, or to
 5 a person who removes or conveys the body for law enforcement,
 6 medical, archaeological, or scientific purposes. A person who
 7 violates this subsection is guilty of a felony punishable by
 8 imprisonment for not more than 10 years or a fine of not more than
 9 \$5,000.00, or both.

10 (4) ~~A~~ **THE FOLLOWING APPLY TO A** person who violates subsection
 11 (1): ~~is guilty of a crime as follows:~~

12 (a) If the value of the property is less than \$200.00, the
 13 person is ~~guilty of a misdemeanor punishable by imprisonment for~~
 14 ~~not more than 93 days or a fine of not more than~~ **RESPONSIBLE FOR A**
 15 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
 16 \$500.00, or 3 times the aggregate value of the property involved,
 17 whichever is greater. ~~, or both imprisonment and a fine.~~

18 (b) If any of the following apply, the person is guilty of a
 19 misdemeanor punishable by imprisonment for not more than 1 year or
 20 a fine of not more than \$2,000.00 or 3 times the value of the
 21 property involved, whichever is greater, or both imprisonment and a
 22 fine:

23 (i) The value of the property involved is \$200.00 or more but
 24 less than \$1,000.00.

25 (ii) The person violates subdivision (a) and has 1 or more
 26 prior **JUDGMENTS OF RESPONSIBILITY OR** convictions for committing or
 27 attempting to commit ~~an offense under~~ **A VIOLATION OF** this section.

1 (c) If any of the following apply, the person is guilty of a
2 felony punishable by imprisonment for not more than 5 years or a
3 fine of not more than \$10,000.00 or 3 times the value of the
4 property involved, whichever is greater, or both imprisonment and a
5 fine:

6 (i) The value of the property involved is \$1,000.00 or more
7 but less than \$20,000.00.

8 (ii) The person violates subdivision (b) (i) and has 1 or more
9 prior **JUDGMENTS OF RESPONSIBILITY OR** convictions for violating or
10 attempting to violate this section. For purposes of this
11 subparagraph, however, a prior **JUDGMENT OF RESPONSIBILITY OR**
12 conviction does not include a **JUDGMENT OF RESPONSIBILITY OR**
13 conviction for a violation or attempted violation of subdivision
14 (a) or (b) (ii).

15 (d) If any of the following apply, the person is guilty of a
16 felony punishable by imprisonment for not more than 10 years or a
17 fine of not more than \$15,000.00 or 3 times the value of the
18 property involved, whichever is greater, or both imprisonment and a
19 fine:

20 (i) The property involved has a value of \$20,000.00 or more.

21 (ii) The person violates subdivision (c) (i) and has 2 or more
22 prior **JUDGMENTS OF RESPONSIBILITY OR** convictions for committing or
23 attempting to commit ~~an offense~~ **A VIOLATION** under this section. For
24 purposes of this subparagraph, however, a prior **JUDGMENT OF**
25 **RESPONSIBILITY OR** conviction does not include a **JUDGMENT OF**
26 **RESPONSIBILITY OR** conviction for a violation or attempted violation
27 of subdivision (a) or (b) (ii).

1 (5) The values of property recovered or destroyed in separate
2 incidents pursuant to a scheme or course of conduct within any 12-
3 month period may be aggregated to determine the total value of the
4 property recovered or destroyed.

5 (6) If the prosecuting attorney intends to seek an enhanced
6 sentence based upon the defendant having 1 or more prior **JUDGMENTS**
7 **OF RESPONSIBILITY OR** convictions, the prosecuting attorney shall
8 include on the complaint and information a statement listing the
9 prior ~~conviction or convictions.~~ **VIOLATIONS**. The existence of the
10 defendant's prior ~~conviction or convictions~~ **VIOLATIONS** shall be
11 determined by the court, without a jury, at sentencing or at a
12 separate hearing for that purpose before sentencing. The existence
13 of a prior ~~conviction~~ **VIOLATION** may be established by any evidence
14 relevant for that purpose, including, but not limited to, 1 or more
15 of the following:

- 16 (a) A copy of the judgment. ~~of conviction.~~
17 (b) A transcript of a prior trial, plea-taking, or sentencing.
18 (c) Information contained in a presentence report.
19 (d) The defendant's statement.

20 (7) If the sentence for a conviction under this section is
21 enhanced by 1 or more prior convictions, those prior convictions
22 shall not be used to further enhance the sentence for the
23 conviction pursuant to section 10, 11, or 12 of chapter IX of the
24 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
25 769.12.

26 Sec. 76116. (1) A person who violates section 76105 or 76106
27 is ~~guilty of a misdemeanor, punishable by imprisonment for not more~~

1 ~~than 30 days, or a fine of not more than~~ **RESPONSIBLE FOR A STATE**
2 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00.**
3 ~~, or both.~~

4 (2) A person who violates ~~sections 76107~~ **SECTION 76107(2)** or
5 76111 or a rule promulgated under this part is ~~guilty of a~~
6 ~~misdemeanor. Unless another penalty is provided in this part, a~~
7 ~~person convicted of a misdemeanor under this subsection is~~
8 ~~punishable by imprisonment for not more than 6 months, or a fine of~~
9 ~~not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
10 **ORDERED TO PAY A CIVIL FINE OF \$500.00.** ~~, or both.~~

11 Sec. 80124. (1) Except as otherwise provided in this section,
12 the owner of a vessel required, ~~pursuant to~~ **UNDER** sections 80122
13 and 80123, to be numbered and to display a decal shall file an
14 application for a certificate of number with the secretary of
15 state. The secretary of state shall prescribe and furnish
16 certificate of title application forms. If a vessel requiring a
17 certificate of title under part 803 is sold by a dealer, that
18 dealer shall combine the application for a certificate of number
19 that is signed by the vessel owner with the application for a
20 certificate of title. The dealer shall obtain the certificate of
21 number in the name of the owner. The application for a certificate
22 of number shall include a certification. The owner of the vessel
23 shall sign the application or, if the application is filed
24 electronically, provide information requested by the secretary of
25 state to verify the owner's identity. A person shall not file an
26 application for a certificate of number that contains false
27 information. A dealer who fails to submit an application as

1 required by this section is ~~guilty of a misdemeanor, punishable by~~
2 ~~imprisonment for not more than 90 days, or a fine of not more than~~
3 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
4 **A CIVIL FINE OF \$100.00. ~~or both.~~**

5 (2) A dealer who submits an application for a certificate of
6 number as provided in subsection (1) may issue to the owner of the
7 vessel a 15-day permit, on forms prescribed by the secretary of
8 state, for the use of the vessel while the certificate of number is
9 being issued.

10 (3) A dealer may issue a 15-day permit, on a form prescribed
11 by the secretary of state, for the use of a vessel purchased in
12 this state and delivered to the purchaser for removal to a place
13 outside of this state, if the purchaser certifies by his or her
14 signature that the vessel will be registered and primarily used and
15 stored outside of this state and will not be returned to this state
16 by the purchaser for use or storage. A certificate of number shall
17 not be issued for a vessel holding a permit under this subsection.

18 (4) A 15-day permit issued under subsection (2) or (3) shall
19 not be renewed or extended.

20 (5) A person shall operate or permit the operation of a vessel
21 for which a 15-day permit has been issued under this section only
22 if the permit is valid and displayed on the vessel as prescribed by
23 rule promulgated by the department under this part.

24 (6) Except as otherwise provided in this section, an applicant
25 shall pay the following fee at the time of application:

26 (a) A 15-day permit issued under subsection (3).. \$ 10.00

27 (b) Nonpowered vessels, other than nonmotorized

1	canoes or kayaks.....	9.00
2	(c) Nonmotorized canoes or kayaks.....	5.00
3	(d) Motorboats less than 12 feet in length.....	14.00
4	(e) Motorboats 12 feet or over but less than	
5	16 feet in length.....	17.00
6	(f) Motorboats 16 feet or over but less than	
7	21 feet in length.....	42.00
8	(g) Motorboats 21 feet or over but less than	
9	28 feet in length.....	115.00
10	(h) Motorboats 28 feet or over but less than	
11	35 feet in length.....	168.00
12	(i) Motorboats 35 feet or over but less than	
13	42 feet in length.....	244.00
14	(j) Motorboats 42 feet or over but less than	
15	50 feet in length.....	280.00
16	(k) Motorboats 50 feet in length or over.....	448.00
17	(l) Pontoon vessels regardless of size.....	23.00
18	(m) Motorized canoes regardless of size.....	14.00
19	(n) Vessels licensed under part 473.....	15.00
20	(o) Vessels carrying passengers for hire that	
21	are in compliance with part 445, or under federal law;	
22	and vessels carrying passengers and freight or freight	
23	only and owned within this state or hailing from a	
24	port within this state.....	45.00

25 (7) As used in this section, ~~"the length of a vessel"~~ **"LENGTH"**
26 means the distance from end to end over the deck, excluding the
27 longitudinal upward or downward curve of the deck, fore and aft.

1 ~~For~~ **HOWEVER, FOR** a pontoon boat, length ~~of a vessel~~ means the
2 length of its deck, fore and aft.

3 (8) Payment of the fee specified in this section exempts the
4 vessel from the tax imposed under the general property tax act,
5 1893 PA 206, MCL 211.1 to 211.155.

6 (9) Upon receipt of an initial application for a certificate
7 of number in approved form and payment of the required fee, the
8 secretary of state shall enter the information upon the official
9 records and issue to the applicant a certificate of number
10 containing the number awarded to the vessel, the name and address
11 of the owner, and other information that the secretary of state
12 determines necessary. The secretary of state shall issue a
13 certificate of number that is pocket size and legible. Except as
14 provided in subsection (13), a person operating a vessel shall
15 present that vessel's certificate of number to a peace officer upon
16 the peace officer's request.

17 (10) If a check or draft payable to the secretary of state
18 under this part is not paid on its first presentation, the fee or
19 tax is delinquent as of the date the draft or check was tendered.
20 The person tendering the check or draft remains liable for the
21 payment of the fee or tax and a penalty.

22 ~~Upon determining that~~ **IF** a fee or tax required by this
23 part has not been paid and remains unpaid after reasonable notice
24 and demand, the secretary of state may suspend a certificate of
25 number **ISSUED TO THE PERSON REQUIRED TO PAY THE FEE OR TAX.**

26 (12) If a person who tenders a check or draft described in
27 subsection (10) fails to pay the fee or tax for which the check or

1 draft was tendered within 15 days after the secretary of state
2 gives ~~him or her~~ **THE PERSON** notice that the check or draft
3 described in subsection (10) was not paid on its first
4 presentation, the secretary of state shall assess and collect a
5 penalty of \$5.00 or 20% of the check or draft, whichever is larger,
6 in addition to the fee or tax.

7 (13) The owner or authorized agent of the owner of a vessel
8 less than 26 feet in length that is leased or rented to a person
9 for noncommercial use for not more than 24 hours may retain, at the
10 place from which the vessel departs or returns to the possession of
11 the owner or the owner's representative, the certificate of number
12 for that vessel if a copy of the lease or rental agreement is on
13 the vessel. Upon the demand of a peace officer, the operator shall
14 produce for inspection either the certificate of number or a copy
15 of the lease or rental agreement for that vessel. The lease or
16 rental agreement shall contain each of the following:

17 (a) The vessel number that appears on the certificate of
18 number.

19 (b) The period of time for which the vessel is leased or
20 rented.

21 (c) The signature of the vessel's owner or that person's
22 authorized agent.

23 (d) The signature of the person leasing or renting the vessel.

24 (14) Upon receipt of a certificate of number for a vessel, the
25 owner of that vessel shall paint on or attach in a permanent manner
26 to each side of the forward half of the vessel the number
27 identified in the certificate of number, in the manner prescribed

1 by rules promulgated by the department. The secretary of state
2 shall assign to the owner of vessels for rent or lease a block of
3 numbers sufficient to number consecutively all of that owner's
4 rental or lease vessels. The owner shall maintain the numbers in a
5 legible condition. A vessel documented by the United States ~~east~~
6 ~~guard~~ **COAST GUARD** or a federal agency that is the successor to the
7 United States ~~east~~ ~~guard~~ **COAST GUARD** is not required to display
8 numbers under this part but shall display a decal indicating
9 payment of the fee prescribed in subsection (6), and shall
10 otherwise be in compliance with this part. This subsection does not
11 apply to a nonpowered vessel 12 feet or less in length.

12 (15) Upon receipt of an application for a certificate of
13 number in an approved form and payment of the fee required by this
14 part, the secretary of state shall issue a decal that indicates
15 that the vessel is numbered in compliance with this part. The decal
16 shall be color-coded and dated to identify the year of its
17 expiration. The department shall promulgate a rule or rules to
18 establish the manner in which the decal is to be displayed. A
19 person who operates a vessel in violation of a rule promulgated to
20 implement this subsection is responsible for a state civil
21 infraction and may be ordered to pay a civil fine of not more than
22 \$500.00.

23 (16) A decal ~~is~~ **AND CERTIFICATE OF NUMBER ARE** valid for a 3-
24 year period that begins on April 1 and expires on March 31 of the
25 third year. An original certificate of number may be issued up to
26 90 days before April 1. A numbering renewal decal or other renewal
27 device may be issued up to 90 days before the expiration of a

1 certificate.

2 (17) Upon receipt of a request for renewal of a decal and
3 payment of the fee prescribed in subsection (6), the secretary of
4 state shall issue to the applicant a decal as provided in
5 subsection (15). A person who operates a vessel for which no decal
6 was issued as required under this section or for which a decal has
7 expired is responsible for a state civil infraction and may be
8 ordered to pay a civil fine of not more than \$500.00.

9 (18) The numbering system adopted under this part shall be in
10 accordance with the standard system of numbering established by the
11 secretary of the department in which the United States ~~coast guard~~
12 **COAST GUARD** operates.

13 (19) An agency of this state, a political subdivision of this
14 state, or a state supported college or university of this state
15 that owns a vessel that is required to be numbered under this part
16 shall register that vessel and upon payment of either of the
17 following shall receive from the secretary of state a certificate
18 of number for that vessel:

19 (a) A fee of \$3.00 for a vessel that is not used for
20 recreational, commercial, or rental purposes.

21 (b) The fee required under subsection (6) for a vessel that is
22 used for recreational, commercial, or rental purposes.

23 (20) The secretary of state shall, upon receipt of payment of
24 the fee required under subsection (19), issue a certificate of
25 number for each vessel subject to subsection (19).

26 (21) A vessel that is 30 years of age or older and not used
27 other than in club activities, exhibitions, tours, parades, and

1 other similar activities is a historic vessel. The secretary of
2 state shall make available to the public application forms for
3 certificates of number for historic vessels and, upon receipt of a
4 completed application form and fee, shall number a historic vessel
5 as a historic vessel. The fee for the numbering of a historic
6 vessel is 1/3 of the otherwise applicable fee specified in
7 subsection (6).

8 (22) The secretary of state shall refund to the owner of a
9 vessel registered under this part all of the registration fee paid
10 for that vessel under this section if all of the following
11 conditions are met during the period for which the registration fee
12 was paid:

13 (a) The owner transfers or assigns title or interest in the
14 registered vessel before placing the decal issued under subsection
15 (15) on the vessel.

16 (b) The owner surrenders the unused decal to the secretary of
17 state within 30 days after the date of transfer or assignment.

18 (23) The secretary of state shall refund to the surviving
19 spouse of a deceased vessel owner the registration fee paid under
20 this part, prorated on a monthly basis, upon receipt of the decal
21 issued under subsection (15) or evidence satisfactory to the
22 secretary of state that the decal issued under subsection (15) has
23 been destroyed or voided.

24 (24) If the secretary of state computes a fee under this part
25 that results in a figure other than a whole dollar amount, the
26 secretary of state shall round the figure to the nearest whole
27 dollar.

1 Sec. 80143. (1) The owner of a barge shall place his or her
2 name, address, and telephone number on a prominent place on the
3 hull of the barge in letters that are light-reflective, in a
4 contrasting color to the hull, and not less than 6 inches in
5 height.

6 (2) In addition to the other lighting requirements of this
7 chapter and subject to subsection (3), the operator of a barge
8 shall ensure that the barge is properly lit with 4 or more white
9 lights during the period from sunset to sunrise and as practicable
10 during all periods of limited visibility if any of the following
11 apply:

12 (a) The barge projects into a restricted channel or into a
13 channel established by buoys.

14 (b) The barge is moored so that it reduces the available
15 navigable width of a channel.

16 (c) The barge is not parallel to the bank or dock to which it
17 is moored.

18 (d) The barge is moored as part of a group of 2 or more
19 barges.

20 (3) The lights on a barge described in subsection (1) shall be
21 placed as follows if either of the following applies:

22 (a) If the barge or group formation of barges is positioned so
23 that vessels may navigate on 1 or more sides of the barge or group
24 formation of barges, the lights shall be displayed on each outside
25 corner of the barge or group formation of barges.

26 (b) If the barge projects from a group formation of barges,
27 the lights shall be displayed on the corners of the projecting

1 barge that are outboard of the group.

2 (4) Lights used under this section shall meet the requirements
3 of R 281.1233 of the Michigan ~~administrative code~~ **ADMINISTRATIVE**
4 **CODE** and shall be positioned in such a manner and be of sufficient
5 intensity as to be visible from any direction for at least 1
6 nautical mile at night under clear conditions.

7 (5) A group of barges shall not be moored together if the
8 total width of those barges would exceed 82 feet.

9 (6) The department or a local authority may order a vessel
10 moored in violation of this section that poses a hazard to
11 navigation to be immediately moved and, if the vessel is not moved
12 as ordered, may move or cause the vessel to be moved, with the
13 owner subject to the payment of costs under subsection (8).

14 (7) A person who violates this section is ~~guilty of a~~
15 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
16 ~~a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
17 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$10,000.00. ~~or both.~~**
18 For purposes of this subsection, each 24-hour period that a
19 violation exists constitutes a separate violation.

20 (8) The court shall order a person ~~convicted of~~ **JUDGED**
21 **RESPONSIBLE FOR** violating this section to pay the actual and
22 reasonable costs incurred by this state or a local unit of
23 government in moving a vessel under subsection (6).

24 (9) As used in this section:

25 (a) "Barge" means a flat-bottomed displacement vessel that is
26 used to carry cargo or as a work platform, whether or not it
27 operates under its own power.

1 (b) "Operator" includes a person in command of a barge while
2 it is moored.

3 Sec. 80147. (1) If a person carelessly and heedlessly operates
4 a vessel upon the waters of this state in disregard of the rights
5 or safety of others, without due caution and circumspection, or at
6 a rate of speed or in a manner that endangers or is likely to
7 endanger a person or property, that person is ~~guilty of~~ **RESPONSIBLE**
8 **FOR** reckless operation of a vessel and is subject to the ~~penalties~~
9 **SANCTIONS** described in subsection (3).

10 (2) If a person, while being towed on water skis, a water
11 sled, a surfboard, or a similar contrivance upon the waters of this
12 state, carelessly and heedlessly navigates, steers, or controls
13 himself or herself in disregard of the rights or safety of others
14 or without due caution and circumspection and in a manner that
15 endangers or is likely to endanger a person or property, then that
16 person is ~~guilty of~~ **RESPONSIBLE FOR** reckless operation of the
17 contrivance that he or she controls **AND** is subject to the ~~penalties~~
18 **SANCTIONS** described in subsection (3).

19 (3) Upon ~~a person's conviction under~~ **JUDGING A PERSON**
20 **RESPONSIBLE FOR A VIOLATION OF** this section, the court may issue an
21 order prohibiting that person from operating a vessel on the waters
22 of this state for a period of not more than 2 years. Upon a
23 ~~person's subsequent conviction under~~ **JUDGING A PERSON RESPONSIBLE**
24 **FOR A SUBSEQUENT VIOLATION OF** this section, the court shall order
25 that person to participate in and complete a marine safety
26 educational program approved by the department. An order issued
27 pursuant to this subsection is in addition to any other ~~penalty~~

1 **SANCTION** authorized under this part.

2 Sec. 80149. (1) A person operating a vessel on the waters of
3 this state in areas not marked by well defined channels, canals,
4 rivers, or stream courses shall operate the vessels in a counter-
5 clockwise fashion to the extent that it is reasonably possible.
6 These persons and persons being towed on water skis or on a water
7 sled, kite, surfboard, or similar contrivance shall maintain a
8 distance of 100 feet from any dock, raft, buoyed or occupied
9 bathing area, or vessel moored or at anchor, except when the vessel
10 is proceeding at a slow-no wake speed or when water skiers are
11 being picked up or dropped off, if that operation is otherwise
12 conducted with due regard to the safety of persons and property and
13 in ~~accordance~~**COMPLIANCE** with the laws of this state. Except as
14 otherwise provided in subsection (2), a person who violates this
15 section is ~~guilty of a misdemeanor~~**RESPONSIBLE FOR A STATE CIVIL**
16 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00.**

17 (2) A person who violates this section while on any of the
18 following bodies of water in this state is responsible for a state
19 civil infraction and may be ordered to pay a civil fine of not more
20 than \$500.00:

- 21 (a) The Great Lakes.
- 22 (b) Lake St. Clair.
- 23 (c) The St. Clair ~~river~~**RIVER.**

24 Sec. 80156. (1) Subject to subsection (2), a person shall not
25 operate a motorboat on the waters of this state unless the
26 motorboat is equipped and maintained with an effective muffler or
27 underwater exhaust system that does not produce sound levels in

1 excess of 90 dB(A) when subjected to a stationary sound level test
2 as prescribed by SAE J2005 or a sound level in excess of 75 dB(A)
3 when subjected to a shoreline sound level measurement procedure as
4 described by SAE J1970. The operator of a motorboat shall present
5 the motorboat for a sound level test as prescribed by SAE J2005
6 upon the request of a peace officer. If a motorboat is equipped
7 with more than 1 motor or engine, the test shall be performed with
8 all motors or engines operating. To determine whether a person is
9 violating this subsection, a peace officer may measure sound levels
10 pursuant to procedures prescribed in SAE J1970, issued 1991-92.

11 (2) The department may by rule establish a motorboat sound
12 level test and set a maximum decibel level or levels permitted for
13 motorboat operation that replace the tests and maximum decibel
14 levels permitted under subsection (1). If a test and maximum
15 decibel level or levels are established pursuant to this
16 subsection, all of the following apply:

17 (a) A person shall not operate a motorboat on the waters of
18 this state if the motorboat produces sound levels that exceed the
19 maximum decibel level or levels established under this subsection.

20 (b) The operator of a motorboat shall present the motorboat
21 for the sound level test established pursuant to this subsection
22 upon the request of a peace officer.

23 (c) A motorboat equipped with more than 1 motor or engine
24 shall be tested with all motors or engines operating.

25 (3) A person shall not manufacture, sell, or offer for sale a
26 motorboat for use on the waters of this state unless that motorboat
27 is equipped and maintained with an effective muffler or underwater

1 exhaust system that complies with the applicable sound levels
2 permitted under subsection (1) or (2).

3 (4) Subsections (1) and (2) do not apply to any of the
4 following:

5 (a) A motorboat tuning up or testing for or participating in
6 official trials for speed records or a sanctioned race conducted
7 pursuant to a permit issued by an appropriate unit of government.

8 (b) A motorboat being operated by a boat or marine engine
9 manufacturer for the purpose of testing or development.

10 (c) A motorboat that qualifies as an historic vessel.

11 (5) As used in this section, "dB(A)" means decibels on the "A"
12 scale on a sound meter having characteristics of a general purpose
13 sound meter as defined by American ~~national standards institute~~
14 **NATIONAL STANDARDS INSTITUTE** S1.4-1983.

15 (6) A person who violates this section is ~~guilty of a~~
16 ~~misdemeanor, punishable by imprisonment for not more than 90 days~~
17 ~~and a fine of not less than~~ **RESPONSIBLE FOR A STATE CIVIL**
18 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF** \$100.00. ~~or~~
19 ~~more than \$500.00.~~ Additionally, before putting the motorboat back
20 in use, a person who violates this section ~~is required to~~ **MUST**
21 install an effective muffler or underwater exhaust system that
22 meets the requirements of this section on the motorboat in
23 violation at his or her expense.

24 Sec. 80166. (1) Upon the direction of a peace officer acting
25 in the lawful performance of his or her duty, the operator of a
26 vessel moving on the waters of this state shall immediately bring
27 the vessel to a stop or maneuver it in a manner that permits the

1 peace officer to come beside the vessel. The operator of the vessel
2 shall do the following upon the request of the peace officer:

3 (a) Provide his or her correct name and address.

4 (b) Exhibit the certificate of number awarded for the vessel.

5 (c) If the vessel does not bear a decal described in section
6 80166a or an equivalent decal issued by or on behalf of another
7 state, submit to a reasonable inspection of the vessel and to a
8 reasonable inspection and test of the equipment of the vessel.

9 (2) A peace officer shall not stop and inspect a vessel
10 bearing the decal described in section 80166a or an equivalent
11 decal issued by or on behalf of another state during the period the
12 decal remains in effect unless that peace officer has a reasonable
13 suspicion that the vessel or the vessel's operator is in violation
14 of a marine law or is otherwise engaged in criminal activity.

15 (3) A person who is detained for a violation of this part or
16 of a local ordinance substantially corresponding to a provision of
17 this part and who furnishes a peace officer false, forged,
18 fictitious, or misleading verbal or written information identifying
19 the person as another person is ~~guilty of a misdemeanor.~~**RESPONSIBLE**
20 **FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE**
21 **OF \$500.00.**

22 (4) A peace officer who observes a marine law violation or the
23 commission of a crime may immediately arrest the person without a
24 warrant or issue to the person a written or verbal warning.

25 Sec. 80167. If a person is arrested without a warrant for any
26 of the following, the arrested person shall, without unreasonable
27 delay, be arraigned by a magistrate or judge who is within the

1 county in which the offense charged is alleged to have been
2 committed, who has jurisdiction of the offense, and who is nearest
3 or most accessible with reference to the place where the arrest is
4 made:

5 (a) The person is arrested upon a charge of negligent
6 homicide.

7 (b) The person is arrested under section 80176(1), (3), (4),
8 or (5), or a local ordinance substantially corresponding to section
9 80176(1) or (3).

10 (c) The person is arrested under ~~section 80147 or a local~~
11 ordinance substantially corresponding to section 80147. If in the
12 existing circumstances it does not appear that releasing the person
13 pending the issuance of a warrant will constitute a public menace,
14 the arresting officer may proceed as provided by section 80168.

15 Sec. 80171. Unless otherwise specified under this part, a
16 ~~violation of~~ **PERSON WHO VIOLATES** this part or rules promulgated
17 under this part is a ~~misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL**
18 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00.** A
19 political subdivision ~~having adopted~~ **ADOPTING** a local ordinance in
20 conformity with this part may provide that any violation of the
21 ordinance is a misdemeanor. Any person **JUDGED RESPONSIBLE FOR OR**
22 convicted of reckless operation of a vessel as defined in section
23 80147, or of operating a motorboat while under the influence of
24 alcoholic liquor or narcotic drugs, or with any amount of a
25 controlled substance listed in schedule 1 under section 7212 of the
26 public health code, 1978 PA 368, MCL 333.7212, or a rule
27 promulgated under that section, or of a controlled substance

1 described in section 7214(a) (iv) of the public health code, 1978 PA
2 368, MCL 333.7214, in his or her body, in addition to any other
3 penalty, may be refused by the court having jurisdiction of the
4 violation the right of operating any motorboat on any of the waters
5 of this state for a period of not more than 2 years.

6 Sec. 80205. (1) A person shall not operate a personal
7 watercraft on the waters of this state unless each person riding on
8 or being towed behind the personal watercraft is wearing a type I,
9 type II, or type III personal flotation device as described in R
10 281.1234 of the Michigan Administrative Code.

11 (2) A person shall not operate a personal watercraft on the
12 waters of this state unless each person on board the personal
13 watercraft is wearing a personal flotation device that is not
14 inflatable.

15 (3) A person shall not operate a personal watercraft on the
16 waters of this state if a child who is under 7 years of age is on
17 board or being towed behind the personal watercraft unless the
18 child is in the company of his or her parent or guardian or a
19 designee of the parent or guardian.

20 (4) While operating a personal watercraft equipped by the
21 manufacturer with a lanyard-type engine cutoff switch on the waters
22 of this state, a person shall have the lanyard attached to his or
23 her person, clothing, or personal flotation device as is
24 appropriate for the personal watercraft.

25 (5) A person shall not operate a personal watercraft on the
26 waters of this state during the period that begins at sunset and
27 ends at 8 a.m. As used in this subsection, "sunset" means that time

1 as determined by the National Weather Service.

2 (6) A person operating a personal watercraft on the waters of
3 this state shall not cross within 150 feet behind another vessel,
4 other than a personal watercraft, unless the person is operating
5 the personal watercraft at slow-no wake speed. A person who
6 violates this subsection is responsible for a state civil
7 infraction and may be ordered to pay a civil fine of not more than
8 \$500.00.

9 (7) A person shall not operate a personal watercraft on the
10 waters of this state where the water depth is less than 2 feet, as
11 determined by vertical measurement, unless 1 or both of the
12 following circumstances exist:

13 (a) The personal watercraft is being operated at slow-no wake
14 speed.

15 (b) The personal watercraft is being docked or launched.

16 (8) A person who violates subsection (7) is responsible for a
17 state civil infraction and may be ordered to pay a civil fine of
18 not more than \$500.00.

19 (9) A person shall operate a personal watercraft in a
20 reasonable and prudent manner. A maneuver that unreasonably or
21 unnecessarily endangers life, limb, or property, including, but not
22 limited to, all of the following, constitutes reckless operation of
23 a personal watercraft under section 80208:

24 (a) Weaving through congested vessel traffic.

25 (b) Jumping the wake of another vessel unreasonably or
26 unnecessarily close to the other vessel or when visibility around
27 the other vessel is obstructed.

1 (c) Waiting until the last possible moment before swerving to
2 avoid a collision.

3 (10) A person shall not operate a personal watercraft on the
4 waters of this state carrying more persons than the personal
5 watercraft is designed to carry.

6 (11) A violation of subsection (10) is prima facie evidence of
7 reckless operation of a watercraft under section 80208.

8 (12) A person operating a personal watercraft in excess of the
9 speeds established under part 801 is **RESPONSIBLE FOR OR** guilty of
10 reckless operation of a personal watercraft under section 80208.

11 (13) This section does not apply to a performer engaged in a
12 professional exhibition or a person preparing to participate or
13 participating in a regatta, race, marine parade, tournament, or
14 exhibition held in compliance with section 80164 under a permit
15 issued by the department and at the time and place specified in the
16 permit.

17 Sec. 80219. Unless otherwise specified in this part, a person
18 who violates this part is ~~guilty of a misdemeanor, punishable by~~
19 ~~imprisonment for not more than 90 days or a fine of not more than~~
20 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY**
21 **A CIVIL FINE OF \$100.00. , ~~or both.~~** In addition, a person who
22 violates this part may be required to participate in and complete a
23 boating safety course.

24 Sec. 80319. (1) A person shall not do any of the following:

25 (a) Alter or forge a certificate of title, or a manufacturer's
26 or importer's certificate, to a watercraft, an assignment of
27 either, or a cancellation of a lien on a watercraft.

1 (b) Hold or use a certificate, assignment, or cancellation
2 knowing it is altered or forged.

3 (c) Procure or attempt to procure a certificate of title to a
4 watercraft, or pass or attempt to pass a certificate of title or an
5 assignment of title to a watercraft, knowing or having reason to
6 believe that the watercraft is stolen.

7 (d) Sell or offer for sale in this state a watercraft on which
8 the manufacturer's or assigned hull identification number is
9 destroyed, removed, covered, altered, or defaced, with knowledge of
10 the destruction, removal, covering, alteration, or defacement of
11 the manufacturer's or assigned hull identification number.

12 (e) Use a false or fictitious name, give a false or fictitious
13 address, or make a false statement in an application or certificate
14 required under this part, or in a bill of sale or sworn statement
15 of ownership, or otherwise commit a fraud in an application.

16 (f) Sell or transfer a watercraft without delivering to the
17 purchaser or transferee of the watercraft a certificate of title,
18 or a manufacturer's or importer's certificate to the watercraft,
19 assigned to the purchaser as provided for in this part.

20 (2) A person who violates this section is ~~guilty of a~~
21 ~~misdemeanor, punishable by imprisonment for not more than 1 year,~~
22 ~~or a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION**
23 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$5,000.00. , or both.**

24 Sec. 80322. A person who violates sections 80301 to ~~80319~~
25 **80318** or rules promulgated under this part is ~~guilty of a~~
26 ~~misdemeanor, and shall be imprisoned for not more than 90 days, or~~
27 ~~fined not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND**

1 **MAY BE ORDERED TO PAY A CIVIL FINE OF \$100.00. ~~or both.~~**

2 Sec. 81112. (1) An ORV certificate of title shall be
3 manufactured in a manner to prevent as nearly as possible the
4 reproduction, alteration, counterfeiting, forging, or duplication
5 of the certificate without ready detection. An ORV certificate of
6 title shall contain on its face the information set forth in the
7 application, including a notation of all secured interests in the
8 ORV, the date on which the application was filed, and other
9 information required by the department of state.

10 (2) The department of state shall prescribe a uniform method
11 of numbering ORV certificates of title.

12 (3) An ORV certificate of title shall contain a form for
13 assignment and warranty of title by the owner with space for the
14 notation of a security interest in the ORV. The ORV certificate of
15 title may also contain other forms that the department of state
16 considers necessary to facilitate the effective administration of
17 this part. The certificate shall bear the coat of arms of this
18 state.

19 (4) A person who intentionally reproduces, alters,
20 counterfeits, forges, or duplicates an ORV certificate of title or
21 who uses a reproduced, altered, counterfeited, forged, or
22 duplicated ORV certificate of title is subject to the following
23 ~~penalties:~~**SANCTIONS:**

24 (a) If the intent of reproduction, alteration, counterfeiting,
25 forging, duplication, or use was to commit or aid in the commission
26 of an offense punishable by imprisonment for 1 or more years, the
27 person committing the reproduction, alteration, counterfeiting,

1 forging, duplication, or use is ~~guilty of a misdemeanor punishable~~
 2 ~~by imprisonment for a period equal to that which could be imposed~~
 3 ~~for the commission of the offense the person had the intent to aid~~
 4 ~~or commit or a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL**
 5 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$5,000.00. 7**
 6 ~~or both.~~

7 (b) If the intent of the reproduction, alteration,
 8 counterfeiting, forging, duplication, or use was to commit or aid
 9 in the commission of an offense punishable by imprisonment for not
 10 more than 1 year, the person committing the reproduction,
 11 alteration, counterfeiting, forging, duplication, or use is ~~guilty~~
 12 ~~of a misdemeanor punishable by imprisonment for not more than 1~~
 13 ~~year or a fine of not more than~~ **RESPONSIBLE FOR A STATE CIVIL**
 14 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$1,000.00. 7**
 15 ~~or both.~~

16 Sec. 81145. (1) Law enforcement officers may issue appearance
 17 tickets for violations of this part **THAT ARE MINOR OFFENSES,**
 18 pursuant to sections 9a to 9g of chapter 4 of ~~Act No. 175 of the~~
 19 ~~Public Acts of 1927, being sections 764.9a to 764.9g of the~~
 20 ~~Michigan Compiled Laws.~~ **THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,**
 21 **MCL 764.9A TO 764.9G.**

22 (2) In a proceeding for a violation of this part involving
 23 prohibited operation or conduct, the registration number or
 24 numbered decal or vehicle identification number displayed on an ORV
 25 ~~shall constitute~~ **IS** prima facie evidence that the owner of the
 26 vehicle was the person operating the vehicle at the time of the
 27 ~~offense;~~ **VIOLATION;** unless the owner identifies the operator to law

1 enforcement officials, the vehicle was reported as stolen at the
2 time of the violation, or that the vehicle was stolen or not in use
3 at the time of the violation.

4 Sec. 81146. (1) An operator of an ORV, who is given by hand,
5 voice, emergency light, or siren a visual or audible signal by a
6 law enforcement officer acting in the lawful performance of his or
7 her duty, directing the operator to bring the vehicle to a stop,
8 and who willfully fails to obey the signal by increasing speed,
9 extinguishing lights, or otherwise attempting to flee or elude the
10 officer, ~~is guilty of a misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL**
11 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$50.00.** The
12 officer giving the signal ~~shall~~ **MUST** be in uniform, and the
13 officer's vehicle ~~shall~~ **MUST** be easily identifiable as an official
14 law enforcement vehicle.

15 (2) The operator of a vehicle on the private premises of
16 another, when visibly hailed by the owner or the owner's authorized
17 agent, shall bring the vehicle to an immediate stop and provide
18 personal identification. ~~Refusal~~ **AN OPERATOR WHO REFUSES** to obey
19 such a request to stop or ~~subsequent escape or attempt~~ **WHO**
20 **SUBSEQUENTLY ESCAPES OR ATTEMPTS** to escape is a
21 ~~misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
22 **ORDERED TO PAY A CIVIL FINE OF \$50.00.**

23 Sec. 81147. (1) ~~Except as otherwise provided in this part, a~~ **A**
24 person who violates ~~this part~~ **SECTION 81134(1)(C)** is guilty of a
25 misdemeanor punishable by imprisonment for not more than 90 days or
26 a fine of not less than \$50.00 or more than \$1,000.00, or both, for
27 each violation.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A PERSON WHO
2 VIOLATES THIS PART IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND
3 MAY BE ORDERED TO PAY A CIVIL FINE OF \$50.00 FOR EACH VIOLATION.

4 (3) ~~(2)~~—A person who violates section 81133(1) (d) by operating
5 an ORV in such a manner as to create an erosive condition or who
6 violates section 81133(1) (h) or (n) is ~~guilty of a misdemeanor~~
7 ~~punishable by imprisonment for not more than 90 days or a fine of~~
8 ~~not less than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
9 **ORDERED TO PAY A CIVIL FINE OF \$250.00** ~~or more than \$1,000.00, or~~
10 ~~both,~~ for each violation.

11 (4) ~~(3)~~—A person who violates section 81105, 81107, 81115,
12 81116, 81121, 81130, 81133(1) (b), (c), (e), (f), (g), (i), (k), or
13 (l), or 81133(2) is responsible for a state civil infraction and
14 may be ordered to pay a civil fine of not more than \$500.00.

15 (5) ~~(4)~~—A person shall not remove, deface, or destroy a sign
16 or marker placed by the department indicating the boundaries of an
17 ORV trail or area or that marks a route.

18 (6) ~~(5)~~—In addition to the ~~penalties~~ **SANCTIONS** otherwise
19 provided under this part, a court of competent jurisdiction may
20 order a person to restore, as nearly as possible, any land, water,
21 stream bank, streambed, or other natural or geographic formation
22 damaged by the violation of this part to the condition it was in
23 before the violation occurred.

24 (7) ~~(6)~~—The department or any other peace officer may impound
25 the ORV of a person who commits a violation of this part that is
26 punishable as a misdemeanor or who causes damage to the particular
27 area in which the ORV was used in the commission of the violation.

1 **(8)** ~~(7)~~—Upon conviction of a person for **A** violation described
 2 in subsection ~~(6)~~, ~~(7)~~, a court of competent jurisdiction may order
 3 the ORV and any personal property on the ORV seized as a result of
 4 the violation returned to the owner or, upon recommendation of the
 5 local prosecuting attorney, turned over to the department. An ORV
 6 or any other property turned over to the department under this
 7 subsection shall be disposed of in the manner provided for
 8 condemnation of property in part 16. The proceeds realized by the
 9 department under this subsection shall first be used to restore
 10 areas damaged by ORV use, and any balance shall be deposited in the
 11 off-road vehicle account.

12 Sec. 82116. (1) A snowmobile that is manufactured after
 13 December 1, 1972 for sale in this state shall have an identifying
 14 number that is stamped into the frame of the snowmobile or into a
 15 plate affixed to the frame and is unique from an identifying number
 16 on any other snowmobile. The number shall be stamped in a place
 17 where it is easily visible with a minimum of physical effort and it
 18 shall be termed the vehicle number. A manufacturer shall furnish to
 19 a requesting police agency, to the department of state, and to the
 20 department information as to the location of vehicle numbers on
 21 snowmobiles it produces. The vehicle number shall be printed on the
 22 certificate of registration issued by the department of state to
 23 the owner.

24 ~~(2) Possession of~~ **A PERSON WHO POSSESSES** a snowmobile with an
 25 altered, defaced, or obliterated vehicle number is ~~a misdemeanor,~~
 26 ~~punishable by imprisonment for not more than 1 year, or by a fine~~
 27 ~~of not more than~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY**

1 **BE ORDERED TO PAY A CIVIL FINE OF \$1,000.00. ~~or both.~~**

2 Sec. 82118. (1) In addition to registration of a snowmobile
3 under section 82105 or registration in another state or province,
4 except as otherwise provided in this section, a person ~~who desires~~
5 ~~to~~ **SHALL NOT** operate a snowmobile in this state ~~shall purchase~~
6 **WITHOUT** a Michigan snowmobile trail permit sticker **AS PROVIDED**
7 **UNDER SUBSECTION (4)**. The Michigan snowmobile trail permit issued
8 under this section ~~shall be~~ **IS** valid for a period of 1 year which
9 begins on October 1 and ends on the following September 30. The fee
10 for the permit shall be as follows:

11 ~~—— (a) For permits valid for the 1-year period beginning October~~
12 ~~1, 2009 or October 1, 2010, \$35.00.~~

13 **(A)** ~~(b)~~ For permits valid for the 1-year period beginning
14 October 1, ~~2011, 2012, 2013, 2014, or 2015,~~ \$45.00.

15 **(B)** ~~(c)~~ For permits valid for the 1-year period beginning
16 October 1, 2016 and every fifth year thereafter, the state
17 treasurer shall adjust the current permit fee by an amount
18 determined by the state treasurer to reflect the cumulative
19 percentage change in the ~~consumer price index~~ **CONSUMER PRICE INDEX**
20 during the most recent 5-year period for which ~~consumer price index~~
21 **CONSUMER PRICE INDEX** statistics are available, rounded to the
22 nearest dollar. A fee adjusted by the state treasurer under this
23 subdivision shall remain in effect for 5 years. As used in this
24 subdivision, ~~"consumer price index"~~ **"CONSUMER PRICE INDEX"** means
25 the most comprehensive index of consumer prices available for this
26 state from the ~~bureau of labor statistics of the United States~~
27 ~~department of labor.~~ **BUREAU OF LABOR STATISTICS OF THE UNITED STATES**

1 **DEPARTMENT OF LABOR.**

2 (2) Revenue from the trail permit fee shall be allocated as
3 follows:

4 (a) 50 cents shall be retained by the department for
5 administrative costs.

6 (b) \$1.00 shall be retained by the agent selling the permit.

7 (c) The balance shall be deposited in the recreational
8 snowmobile trail improvement subaccount.

9 (3) The department shall make the sale of trail permits
10 available on its website. For each trail permit sold through the
11 website, the amount otherwise credited to an agent under subsection
12 (2) shall instead be credited to the recreational snowmobile trail
13 improvement subaccount.

14 (4) The trail permit sticker shall be permanently affixed to
15 the snowmobile directly above or below the headlight of the
16 snowmobile.

17 (5) The department may contract with a person to act as an
18 agent for the purpose of issuing Michigan snowmobile trail permits.
19 The department shall sell the permits to agents in bulk. An agent
20 may obtain a refund from the department for any permits that are
21 not sold.

22 (6) An agent who uses or allows the use of a permit by anyone
23 except the snowmobile user to whom the permit is sold is ~~guilty of~~
24 ~~a misdemeanor, punishable by a fine of~~ **RESPONSIBLE FOR A STATE**
25 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$50.00**
26 for each instance of such use or allowed use.

27 (7) The department of state may suspend a certificate of

1 registration if the department of state determines that the
2 required fee has not been paid and remains unpaid after reasonable
3 notice or demand. In addition to the required fee, a \$10.00 penalty
4 shall be assessed and collected against any person who tenders an
5 insufficient check or draft in payment of the fee.

6 (8) A snowmobile used solely for transportation on the frozen
7 surface of public waters for the purpose of ice fishing is exempt
8 from the requirement of purchasing and displaying a snowmobile
9 trail permit sticker under this section.

10 (9) A person shall not charge a fee for a snowmobile trail
11 permit in an amount that is greater than the fee printed on the
12 face of the permit.

13 (10) To obtain a snowmobile trail permit, an applicant shall
14 provide all information required on the permit application.

15 (11) A person who fails to secure a permit under this section
16 or who violates subsection (4) is responsible for a state civil
17 infraction and may be ordered to pay a civil fine of not more than
18 \$100.00.

19 (12) The department shall, by June 1 of each year, report to
20 the members of the appropriate standing committees and
21 appropriations subcommittees of the house and senate, a detailed
22 expenditure plan pertaining to the additional funds generated by
23 this act. The plan shall include information as to how funds were
24 expended in the prior year.

25 (13) This section does not apply to a historic snowmobile
26 registered under section 82105c.

27 Sec. 82126b. (1) A person shall not operate a snowmobile upon

1 a highway, public trail, frozen surface of a public lake, stream,
 2 river, pond, or another public place, including, but not limited
 3 to, an area designated for the parking of snowmobiles or other
 4 motor vehicles, in willful or wanton disregard for the safety of
 5 persons or property.

6 (2) A person who violates subsection (1) is ~~guilty of a~~
 7 ~~misdemeanor punishable by a fine of not more than~~ **RESPONSIBLE FOR A**
 8 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
 9 \$250.00.

10 Sec. 82133. Except as otherwise provided in this part, a
 11 person who violates this part is ~~guilty of a~~
 12 ~~misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE**
 13 **ORDERED TO PAY A CIVIL FINE OF \$500.00.**

14 Sec. 82134. (1) A peace or police officer may issue appearance
 15 tickets for violations of this part **THAT ARE MINOR OFFENSES**
 16 pursuant to sections 9a to ~~9e~~ **9G** of chapter 4 of the code of
 17 criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
 18 ~~sections 764.9a to 764.9e of the Michigan Compiled Laws.~~ **1927 PA**
 19 **175, MCL 764.9A TO 764.9G.**

20 (2) In a proceeding for a violation of this part involving
 21 prohibited operation or conduct, the registration number displayed
 22 on a snowmobile ~~constitutes~~ **IS** prima facie evidence that the owner
 23 of the snowmobile was the person operating the snowmobile at the
 24 time of the ~~offense.~~ **VIOLATION.**

25 Sec. 82135. An operator of a snowmobile who is given by hand,
 26 voice, emergency light, or siren a visual or audible signal by a
 27 peace, police, or conservation officer acting in the lawful

1 performance of his or her duty, directing the operator to bring his
2 or her snowmobile to a stop, and who willfully fails to obey the
3 direction by increasing his or her speed or extinguishing his or
4 her lights, or who otherwise attempts to flee or elude the officer,
5 is ~~guilty of a misdemeanor.~~ **RESPONSIBLE FOR A STATE CIVIL**
6 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF \$500.00.** The
7 officer giving the signal ~~shall~~ **MUST** be in uniform. A vehicle or
8 snowmobile ~~which~~ **THAT** is used by an officer at night for purposes
9 of enforcing this part ~~shall~~ **MUST** be identified as an official law
10 enforcement vehicle or snowmobile.

11 Sec. 82158. (1) The operator or person in charge of a
12 snowmobile being used or operated in this state, who is by hand,
13 voice, emergency light or siren, or a visual or audible signal
14 directed to bring his or her snowmobile to a stop by any peace,
15 police, or conservation officer who is in uniform and empowered to
16 enforce this part or the provisions of a local ordinance or rules
17 established under this part, shall immediately bring the snowmobile
18 to a stop or maneuver it in a manner that permits the officer to
19 come alongside. A vehicle or snowmobile that is used by an officer
20 at night for purposes of enforcing this part shall be identified as
21 an official law enforcement vehicle or snowmobile. The operator or
22 person in charge of the snowmobile and any other person on board
23 shall give his or her correct name and address, exhibit the
24 certificate of registration awarded for the snowmobile, and submit
25 to a reasonable inspection of the snowmobile and to a reasonable
26 inspection and test of the equipment of the snowmobile.

27 (2) A person who willfully fails to obey the direction by

1 increasing his or her speed or extinguishing his or her lights, or
2 who otherwise attempts to flee or elude the officer, is ~~guilty of a~~
3 ~~misdemeanor.~~ **SUBJECT TO THE SANCTION PROVIDED IN SECTION 82123.**

4 (3) A person who is detained for a violation of this part or
5 of a local ordinance substantially corresponding to a provision of
6 this part and who furnishes a peace officer false, forged,
7 fictitious, or misleading verbal or written information identifying
8 the person as another person is ~~guilty of a misdemeanor.~~ **RESPONSIBLE**
9 **FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE**
10 **OF \$500.00.**

11 (4) A peace officer who observes a **CRIMINAL** violation by a
12 person of this part or of a local ordinance or rule established
13 under this part may arrest the person without a warrant.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.