

Act No. 220
Public Acts of 2023
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Cherry, Daley and McCann

ENROLLED SENATE BILL No. 103

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding sections 48714a and 48714b.

The People of the State of Michigan enact:

Sec. 48714a. (1) Beginning March 1, 2024, an individual shall not act as a sport fishing guide on an inland lake or stream, as that term is defined in section 30101, unless that individual possesses both of the following:

- (a) A valid license issued under subsection (2).
- (b) A valid fishing license.

(2) To obtain a license to act as a sport fishing guide, an individual shall submit the application fee described in section 48714b and an application to the department. The application must be in a format determined by the department. The department shall grant a license to an individual only if the department determines all of the following:

(a) That the individual holds a valid certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or a comparable organization as approved by the department, and that the individual can provide to the department, upon request, a copy of the certification.

(b) The individual has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard issued under section 43522.

(c) The individual has not been convicted of any of the following within the past 3 years:

(i) A violation of any of the following:

(A) Section 40112.

(B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or (17).

(C) Section 41105.

(D) Section 44524.

(E) Section 48738(2) or (3).

(F) Section 48739(1), (2), or (3).

(ii) Any felony.

(iii) A violation of a law of a participating state substantially corresponding to a violation described in subparagraphs (i) to (ii).

(d) The individual is eligible to purchase a license for the fish species for which the individual is acting as a sport fishing guide.

(e) Unless the individual indicates in writing to the department that sport fishing guiding activities will occur without the use of a watercraft, the individual has either a valid state pilot's license issued by the department under section 44510 or a valid captain's license issued by the United States Coast Guard.

(3) An individual shall not act as a sport fishing guide unless that individual, when acting as a sport fishing guide, carries a basic first aid kit that includes, but is not limited to, all of the following:

(a) Tourniquet, chest seals, and compression gauze.

(b) CPR mask.

(c) Trauma shears.

(d) Sterile eyewash.

(e) Mylar emergency blanket.

(f) Bandages.

(g) Moleskin.

(h) Tweezers.

(4) An individual shall not act as a sport fishing guide on commercial forestland.

(5) A license issued under this section is valid for 3 years after the date it is issued. The department shall allow an individual to obtain a public boating access entry pass required under section 78105(3) with any sport fishing guide license issued under this section for each year that the sport fishing guide license is valid. The department may revoke a license under this section, after notice and opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for either of the following reasons:

(a) The department determines that an individual is not eligible to hold a license under this section.

(b) The individual provides false information under this section.

(6) A sport fishing guide shall file monthly reports to the department, in a format determined by the department, that contain information related to all of the following:

(a) The species of fish for which the individual acted as a sport fishing guide.

(b) The number of clients that the sport fishing guide had for each fishing trip and the number of hours fished for each fishing trip.

(c) The number of fish caught and released and the number of fish harvested by the clients of the sport fishing guide.

(d) The bodies of water where the individual acted as a sport fishing guide.

(e) Any additional information the department requires regarding the fishing activity or biological characteristics of the fish caught and released or harvested.

(f) For any month that the guide did not act as a sport fishing guide, a report stating that the individual did not act as a sport fishing guide during that month.

(7) If an individual fails to file a monthly report under subsection (6) and that report remains unfiled for more than 90 days after the date it is due, the individual is subject to the following:

(a) For a first violation, a \$100.00 civil fine.

(b) For a second violation, a \$200.00 civil fine.

(c) For a third violation, a \$500.00 civil fine.

(d) For a fourth violation, after notice and an opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a revocation of the individual's license under this section.

(8) Information submitted in reports under subsection (6) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The department shall annually post on its website all of the following:

(a) The number of applications submitted under subsection (2) in the previous year.

(b) The number of licenses issued under this section in the previous year.

(c) A list of individuals who have valid licenses under this section.

(10) An individual shall carry that individual's sport fishing guide license and shall exhibit the license upon the demand of a conservation officer, a peace officer, a tribal conservation officer, a park and recreation officer if sport fishing guiding takes place on property regulated under part 741 or 781, or the owner or occupant of any land where the individual is acting as a sport fishing guide.

(11) An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland is subject to a civil fine of not more than \$500.00. An individual who acts as a sport fishing guide without a valid license issued under this section or who acts as a sport fishing guide on commercial forestland a second or subsequent time is subject to a civil fine of not more than \$1,000.00. A civil fine collected under this subsection or subsection (7) must be deposited in the game and fish protection account established in section 2010.

(12) An individual who provides false information to the department under this section is subject to a civil fine of not more than \$500.00 and the costs of prosecution.

(13) As used in this section:

(a) "Consideration" means an economic benefit, inducement, right, or profit, including monetary payment accruing to an individual or person. Consideration does not include a voluntary sharing of the actual expenses of the guiding activity, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(b) "Participating state" means that term as defined in section 1615.

(c) "Sport fishing guide" means an individual who, for a fee or other consideration, provides assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish. Sport fishing guide does not include any of the following:

(i) An employee or member of an organization conducting a not-for-profit activity to recruit, retain, or promote fishing, while providing assistance to another individual in taking fish during that activity.

(ii) The owner of private land while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take fish on that private land.

(iii) An individual who complies with subsection (2)(c) and who is working under the direct supervision of a licensed sport fishing guide. As used in this subparagraph, "direct supervision" means that visual and vocal contact is constantly maintained between the individual and the licensed sport fishing guide.

Sec. 48714b. (1) Except as otherwise provided in this section, the department shall charge a resident applying for a sport fishing guide license under section 48714a an application fee of \$150.00. The department shall charge a nonresident applying for a sport fishing guide license under section 48714a an application fee of \$300.00. The operator of a charter boat licensed under part 445 is not required to pay an application fee under this section. Money collected under this section must be deposited in the game and fish protection account established in section 2010.

(2) If an individual elects to obtain a public boating access entry pass with the sport fishing guide license under section 48714a, the department shall charge that individual a \$300.00 fee. Money collected for a public boating access entry pass under this section must be deposited in the waterways account established in section 2035.

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

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

- (a) Senate Bill No. 104.
- (b) Senate Bill No. 105.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor