

LICENSING LIVESTOCK DEALERS (EXCERPT)
Act 284 of 1937

287.121 Definitions.

Sec. 1.

As used in this act:

(a) "Agent" means a person that buys, receives, sells, exchanges, negotiates, or solicits the sale, resale, exchange, or transfer of 1 or more animals for or on behalf of another person.

(b) "Animals" or "livestock" includes horses, ponies, mules, cattle, calves, swine, sheep, poultry, privately owned cervids, ratites, aquaculture species, and goats.

(c) "Aquaculture species" means aquatic animal organisms, including, but not limited to, fish, crustaceans, mollusks, reptiles, or amphibians, reared or cultured under controlled conditions for commercial aquaculture or the pet trade. Aquaculture species does not include aquatic animal organisms under the authority of the department of natural resources.

(d) "Buying station" means a facility or location where livestock are congregated and purchased by the owner or agent of the facility or location for movement or sale. Buying station does not include a livestock auction.

(e) "Collection point" means a facility or location where livestock are congregated by the owner or agent of the facility or location for transfer or movement. Collection point does not include a livestock auction.

(f) "Consignment sale" means a sale in which livestock are transferred to an agent for sale, but ownership is retained until the animals are sold.

(g) "Dealer" or "broker" means a person that, as a principal or agent, engages in the business of buying, receiving, selling, exchanging, buying for slaughter, negotiating, or soliciting sale, resale, exchange, transportation, or transfer of animals. Dealer or broker does not include any of the following:

(i) A railroad or airline transporting animals either interstate or intrastate.

(ii) A person that, by dispersal sale, is permanently discontinuing the business of farming, dairying, breeding, or feeding animals.

(iii) A person that sells livestock that have been raised on the premises of the person.

(iv) A butcher, packer, or processor to whom animals are delivered and used exclusively for slaughter.

(v) A person with respect to that part of his or her business that consists of buying or receiving animals for breeding, grazing, and feeding purposes and the sale or disposal of the animals after the feeding or grazing period of not less than 21 days.

(vi) Occasionally held consignment sales sponsored and conducted by a breed association, 4-H, or F.F.A. group, county fair, or youth fair.

(vii) Other persons subject to exemptions approved by the director.

(h) "Department" means the department of agriculture and rural development.

(i) "Director" means the director of the department or his or her authorized representative.

(j) "Licensee" means a person holding a license issued under this act.

(k) "Livestock auction" means a livestock congregation point where livestock are accepted on consignment and the auction method is used in the marketing of livestock. Livestock auction does not include a public auction of farm goods.

(l) "Livestock trucker" means a person, not otherwise licensed under this act, that engages in the business of transporting livestock not owned by the person, or the person's employer, from 1 premises to another. A person is not a livestock trucker solely because the person is engaged in 1 or more of the following activities:

(i) Hauling livestock on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event, or similar activity.

(ii) Hauling livestock on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, which is operated by that person and which does not ordinarily involve the sale of livestock.

(iii) Hauling livestock for another person fewer than 6 times within the preceding 12 months.

(m) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(n) "Weighmaster" means a person registered under this act that weighs livestock at a livestock auction licensed under this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937 ;-- Am. 1945, Act 237, Eff. Sept. 6, 1945 ;-- CL 1948, 287.121 ;-- Am. 1957, Act 290, Eff. Sept. 27, 1957 ;-- Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012