

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4152**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40118, 43558, 46509, 80156, and 82113 (MCL
324.40118, 324.43558, 324.46509, 324.80156, and 324.82113), section
40118 as amended by 2020 PA 385, section 43558 as amended by 2013
PA 108, section 46509 as added by 1995 PA 57, section 80156 as
amended by 1996 PA 274, and section 82113 as amended by 1998 PA
297.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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)~~, **(19)**, is guilty of a misdemeanor



1 punishable by imprisonment for not more than 90 days or a fine of
2 not less than \$50.00 or more than \$500.00, or both, and the costs
3 of prosecution. In addition, a permit issued by the department
4 under this part must be revoked pursuant to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 (2) An individual who violates a provision of this part or an
7 order or interim order issued under this part regarding the
8 possession or taking of any game, except deer, bear, wild turkey,
9 wolf, waterfowl, moose, or elk, is guilty of a misdemeanor
10 punishable by imprisonment for not more than 90 days or a fine of
11 not less than \$100.00 or more than \$1,000.00, or both, and the
12 costs of prosecution.

13 (3) Except as otherwise provided in this subsection, an
14 individual who violates a provision of this part or an order or
15 interim order issued under this part regarding the possession or
16 taking of deer, bear, wild turkey, or wolf is guilty of a
17 misdemeanor and may be imprisoned for not more than 90 days, shall
18 be fined not less than \$200.00 or more than \$1,000.00, and shall be
19 ordered to pay the costs of prosecution. An individual shall not be
20 punished under this subsection for lawfully removing, capturing, or
21 destroying a wolf under 2008 PA 290, MCL 324.95151 to 324.95155, or
22 2008 PA 318, MCL 324.95161 to 324.95167.

23 (4) An individual who violates a provision of this part or an
24 order or interim order issued under this part regarding the
25 possession or taking of elk is guilty of a misdemeanor punishable
26 by imprisonment for not more than 180 days or a fine of not less
27 than \$500.00 or more than \$2,000.00, or both, and the costs of
28 prosecution.

29 (5) An individual who violates a provision of this part or an



1 order or interim order issued under this part regarding the
2 possession or taking of moose is guilty of a misdemeanor punishable
3 by imprisonment for not more than 1 year and a fine of not less
4 than \$1,000.00 or more than \$5,000.00, and the costs of
5 prosecution.

6 (6) An individual who violates a provision of this part or an
7 order or interim order issued under this part regarding the
8 possession or taking of waterfowl is guilty of a misdemeanor
9 punishable by imprisonment for not more than 90 days or a fine of
10 not less than \$250.00 or more than \$500.00, or both, and the costs
11 of prosecution. An individual who violates a provision of this part
12 or an order or interim order issued under this part regarding the
13 possession or taking of waterfowl a second or subsequent time is
14 guilty of a misdemeanor punishable by imprisonment for not more
15 than 90 days or a fine of \$500.00, or both, and the costs of
16 prosecution.

17 (7) An individual sentenced under subsection (3), (14), or
18 (15) shall not secure or possess a license of any kind to hunt
19 during the remainder of the year in which convicted and the next 3
20 succeeding calendar years. An individual sentenced under subsection
21 (11) shall not secure or possess a license to hunt during the
22 remainder of the year in which convicted and the next succeeding
23 calendar year, or longer in the discretion of the court.

24 (8) In addition to the penalties provided for violating this
25 part or an order issued under this part, an individual convicted of
26 the illegal killing, possessing, purchasing, or selling of a bear
27 or an antlered white-tailed deer is subject to the following
28 penalties:

29 (a) For a first offense, the individual shall not secure or



1 possess a license of any kind to hunt for an additional 2 calendar
2 years after the penalties imposed under subsection (7).

3 (b) For a second or subsequent offense, the individual shall
4 not secure or possess a license of any kind to hunt for an
5 additional 7 calendar years after the penalties imposed under
6 subsection (7).

7 (9) In addition to the penalties provided for violating this
8 part or an order issued under this part, an individual convicted of
9 the illegal killing, possessing, purchasing, or selling of a wild
10 turkey shall not secure or possess a license of any kind to hunt
11 for an additional 2 calendar years after the penalties imposed
12 under subsection (7).

13 (10) An individual sentenced under subsection (4) or (5) is
14 subject to the following penalties:

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

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

21 (11) An individual who violates section 40113(1) is guilty of
22 a misdemeanor punishable by imprisonment for not more than 90 days
23 or a fine of not less than \$100.00 or more than \$500.00, or both,
24 and the costs of prosecution.

25 (12) An individual who violates section 40113(2) is guilty of
26 a misdemeanor punishable by imprisonment for not more than 90 days
27 or a fine of not less than \$50.00 or more than \$500.00, or both,
28 and the costs of prosecution.

29 (13) An individual who violates section 40113(3) is guilty of



1 a misdemeanor punishable by imprisonment for not more than 90 days
2 or a fine of not less than \$100.00 or more than \$500.00, or both,
3 and the costs of prosecution.

4 (14) An individual who violates a provision of this part or an
5 order or interim order issued under this part regarding the taking
6 or possession of an animal that has been designated by the
7 department to be a protected animal, other than an animal that
8 appears on a list prepared under section 36505, is guilty of a
9 misdemeanor punishable by imprisonment for not more than 90 days or
10 a fine of not less than \$100.00 or more than \$1,000.00, or both,
11 and the costs of prosecution.

12 (15) An individual who buys or sells game or a protected
13 animal in violation of this part or an order or interim order
14 issued under this part is guilty of a misdemeanor punishable by
15 imprisonment for not more than 90 days or a fine of not more than
16 \$1,000.00, or both, for the first offense, and is guilty of a
17 felony for each subsequent offense.

18 (16) An individual who willfully violates a provision of this
19 part or an order or interim order issued under this part by using
20 an illegally constructed snare or cable restraint is guilty of a
21 misdemeanor punishable by imprisonment for not more than 90 days or
22 a fine of \$1,000.00 for the first illegally constructed snare or
23 cable restraint and \$250.00 for each subsequent illegally
24 constructed snare or cable restraint, or both, and the costs of
25 prosecution.

26 (17) An individual who violates a provision of this part or an
27 order or interim order issued under this part regarding the
28 importation of a cervid carcass or parts of a cervid carcass, other
29 than hides, deboned meat, quarters or other parts of a cervid that



1 do not have any part of the spinal column or head attached,
2 finished taxidermy products, cleaned teeth, antlers, or antlers
3 attached to a skullcap cleaned of brain and muscle tissue, from
4 another state or province is guilty of a misdemeanor punishable by
5 imprisonment for not more than 90 days or a fine of not less than
6 \$500.00 or more than \$2,000.00, or both, and the costs of
7 prosecution.

8 (18) If an individual is convicted of a violation of this part
9 or an order or interim order issued under this part and it is
10 alleged in the complaint and proved or admitted at trial or
11 ascertained by the court after conviction that the individual had
12 been previously convicted 2 times within the preceding 5 years for
13 a violation of this part or an order or interim order issued under
14 this part, the individual is guilty of a misdemeanor punishable by
15 imprisonment for not more than 180 days or a fine of not less than
16 \$500.00 or more than \$2,000.00, or both, and the costs of
17 prosecution.

18 (19) An individual who violates a provision of this part or an
19 order or interim order issued under this part regarding any of the
20 following is responsible for a state civil infraction and may be
21 ordered to pay a civil fine of not more than \$150.00:

22 (a) Attaching that individual's name, driver license number,
23 or sportcard number to a ground blind.

24 (b) Attaching that individual's name, driver license number,
25 or sportcard number to a tree stand, scaffold, or raised platform.

26 (c) Supplemental feeding of deer.

27 Sec. 43558. (1) A person is guilty of a misdemeanor if the
28 person does any of the following:

29 (a) Makes a false statement as to material facts for the



1 purpose of obtaining a license or uses or attempts to use a license
2 obtained by making a false statement.

3 (b) Affixes to a license a date or time other than the date or
4 time issued.

5 (c) Issues a license without receiving and remitting the fee
6 to the department.

7 (d) ~~Without~~ **Except as otherwise provided in this section,**
8 **without** a license, takes or possesses a wild animal, wild bird, or
9 aquatic species, except aquatic insects. This subdivision does not
10 apply to ~~a person~~ **an individual** less than 17 years of age who
11 without a license takes or possesses aquatic species.

12 (e) Sells, loans, or permits in any manner another ~~person~~
13 **individual** to use the ~~person's~~ **individual's** license or uses or
14 attempts to use another ~~person's~~ **individual's** license.

15 (f) Falsely makes, alters, forges, or counterfeits a sportcard
16 or a hunting, fishing, or fur harvester's license or possesses an
17 altered, forged, or counterfeited hunting, fishing, or fur
18 harvester's license.

19 (g) Uses a tag furnished with a deer license, bear hunting
20 license, elk hunting license, or wild turkey hunting license more
21 than 1 time, or attaches or allows a tag to be attached to a deer,
22 bear, elk, or turkey other than a deer, bear, elk, or turkey
23 lawfully killed by the ~~person~~ **individual**.

24 (h) Except as provided by law, makes an application for,
25 obtains, or purchases more than 1 license for a hunting, fishing,
26 or trapping season, not including a limited fishing license, second
27 deer license, antlerless deer license, or other license
28 specifically authorized by law, or if the applicant's license has
29 been lost or destroyed.



1 (i) Applies for, obtains, or purchases a license during a time
2 that the ~~person~~**individual** is ineligible to secure a license.

3 (j) Knowingly obtains, or attempts to obtain, a resident or a
4 senior license if that ~~person~~**individual** is not a resident of this
5 state.

6 (2) Except as provided in subsection (5), a person who
7 violates subsection (1) shall be punished by imprisonment for not
8 more than 90 days ~~,~~ or a fine of not less than \$25.00 or more than
9 \$250.00 and the costs of prosecution, or both. In addition, the
10 person shall surrender any license and license tag that was
11 wrongfully obtained.

12 (3) ~~A person~~**An individual** licensed to carry a firearm under
13 this part is prohibited from doing so while under the influence of
14 a controlled substance or alcohol or a combination of a controlled
15 substance and alcohol. ~~A person~~**An individual** who violates this
16 subsection is guilty of a misdemeanor ~~,~~ punishable by imprisonment
17 for 90 days ~~,~~ or a fine of \$500.00, or both.

18 (4) An applicant for a license under this part who has
19 previously been convicted of a violation of the game and fish laws
20 of this state may be required to file an application with the
21 department together with other information that the department
22 considers expedient. The license may be issued by the department.

23 (5) ~~A person~~**An individual** who violates subsection (1)(d),
24 upon a showing that the ~~person~~**individual** was ineligible to secure
25 a license under court order or other lawful authority, is guilty of
26 a misdemeanor ~~,~~ punishable by imprisonment for not more than 180
27 days ~~,~~ or a fine of not less than \$500.00 and not more than
28 \$2,500.00, or both, and the costs of prosecution.

29 (6) **An individual who violates section 43509(1) for a first**



1 time is responsible for a state civil infraction and may be ordered
2 to pay a civil fine of not more than \$150.00.

3 (7) An individual who violates section 43509(2) is responsible
4 for a state civil infraction and may be ordered to pay a civil fine
5 of not more than \$150.00.

6 (8) An individual who violates section 43510 for a first time
7 is responsible for a state civil infraction and may be ordered to
8 pay a civil fine of not more than \$150.00.

9 (9) An individual who violates section 43532 for a first time
10 is responsible for a state civil infraction and may be ordered to
11 pay a civil fine of not more than \$150.00.

12 Sec. 46509. (1) ~~A-Except as otherwise provided in this~~
13 ~~section,~~ a person who violates this part is guilty of a
14 misdemeanor, punishable by imprisonment for not more than 30 days,
15 or a fine of not less than \$100.00 or more than \$500.00, or both,
16 and costs of prosecution.

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

21 (3) An individual who violates section 46502 is responsible
22 for a state civil infraction and may be ordered to pay a civil fine
23 of not more than \$150.00.

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
28 excess of 90 dB(A) when subjected to a stationary sound level test
29 as prescribed by SAE J2005 or a sound level in excess of 75 dB(A)



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

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

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

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

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

23 (3) A person shall not manufacture, sell, or offer for sale a
24 motorboat for use on the waters of this state unless that motorboat
25 is equipped and maintained with an effective muffler or underwater
26 exhaust system that complies with the applicable sound levels
27 permitted under subsection (1) or (2).

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



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

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

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

7 (5) As used in this section, "dB(A)" means decibels on the "A"
8 scale on a sound meter having characteristics of a general purpose
9 sound meter as defined by American national standards institute
10 S1.4-1983.

11 (6) **A person who violates this section is responsible for a**
12 **state civil infraction and may be ordered to pay a civil fine of**
13 **not more than \$150.00.** A person who violates this section **a second**
14 **or subsequent time** is guilty of a misdemeanor, punishable by
15 imprisonment for not more than 90 days and a fine of not less than
16 \$100.00 or more than \$500.00. Additionally, before putting the
17 motorboat back in use, a person who violates this section is
18 required to install an effective muffler or underwater exhaust
19 system that meets the requirements of this section on the motorboat
20 in violation at his or her expense.

21 Sec. 82133. (1) Except as otherwise provided in this part, a
22 person who violates this part is guilty of a misdemeanor.

23 (2) **An individual who violates section 82113 for a first time**
24 **is responsible for a state civil infraction and may be ordered to**
25 **pay a civil fine of not more than \$150.00.**

26 (3) **An individual who violates section 82114(1) for a first**
27 **time is responsible for a state civil infraction and may be ordered**
28 **to pay a civil fine of not more than \$150.00.**

29 Enacting section 1. This amendatory act takes effect 90 days



1 after the date it is enacted into law.

