

**SUBSTITUTE FOR  
HOUSE BILL NO. 5358**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 43528c and 43528d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        **Sec. 43528c. (1) Beginning March 1, 2023, an individual shall**  
2        **not act as a commercial hunting guide in this state unless that**  
3        **individual possesses both of the following:**  
4               **(a) A valid license issued under subsection (2).**  
5               **(b) A valid base license issued under section 43523a.**  
6               **(2) To obtain a license to act as a commercial hunting guide,**  
7        **an individual shall submit the application fee described in section**  
8        **43528d and an application to the department. The application must**  
9        **be in a format determined by the department. The department shall**



1 only grant a license to an individual if the department determines  
2 all of the following:

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

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

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

15 (i) A violation of any of the following:

16 (A) Section 40112.

17 (B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or  
18 (17).

19 (C) Section 41105.

20 (D) Section 44524.

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

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

23 (ii) Any felony.

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

27 (d) The individual is eligible to purchase a license for the  
28 game species for which the individual is acting as a commercial  
29 hunting guide. This subdivision does not apply to an individual who



1 is ineligible to obtain a hunting license solely because that  
2 individual has previously been issued a hunting license for that  
3 species.

4 (3) An individual shall not act as a commercial hunting guide  
5 unless that individual, when acting as a commercial hunting guide,  
6 carries a basic first aid kit that includes, but is not limited to,  
7 all of the following:

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

9 (b) CPR mask.

10 (c) Trauma shears.

11 (d) Sterile eyewash.

12 (e) Mylar emergency blanket.

13 (f) Bandages.

14 (g) Moleskin.

15 (h) Tweezers.

16 (4) An individual shall not act as a commercial hunting guide  
17 on commercial forestland.

18 (5) A license issued under this section is valid for 3 years  
19 after the date it is issued. The department may revoke a license  
20 under this section, after notice and opportunity for hearing  
21 pursuant to the administrative procedures act of 1969, 1969 PA 306,  
22 MCL 24.201 to 24.328, for any of the following reasons:

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

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

27 (c) The individual fails to file an annual report under  
28 subsection (6), and that report remains unfiled for more than 90  
29 days after it is due.



1 (6) A commercial hunting guide shall file an annual report  
2 with the department, in a format determined by the department, that  
3 contains information related to all of the following:

4 (a) The counties of this state where the individual acted as a  
5 commercial hunting guide.

6 (b) The species of game for which the individual acted as a  
7 commercial hunting guide.

8 (c) The number of clients that the commercial hunting guide  
9 had during the year.

10 (d) The number of game animals harvested by the clients of the  
11 commercial hunting guide.

12 (e) Any additional information the department requires  
13 regarding the biological characteristics of the game animals  
14 harvested.

15 (7) Information submitted in a report under subsection (6) is  
16 confidential and is exempt from disclosure under the freedom of  
17 information act, 1976 PA 442, MCL 15.231 to 15.246.

18 (8) The department shall annually post on its website all of  
19 the following:

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

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

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

26 (9) An individual shall carry his or her commercial hunting  
27 guide license and shall exhibit the license upon the demand of a  
28 conservation officer, a peace officer, a tribal conservation  
29 officer, a park and recreation officer if commercial hunting



1 guiding takes place on property regulated under part 741 or 781, or  
2 the owner or occupant of any land where the individual is acting as  
3 a commercial hunting guide.

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

14 (11) An individual who provides false information to the  
15 department under this section is subject to a civil fine of not  
16 more than \$500.00.

17 (12) As used in this section:

18 (a) "Commercial hunting guide" means an individual who, for a  
19 fee or other consideration of value, provides assistance to another  
20 individual in hunting game. Commercial hunting guide does not  
21 include any of the following:

22 (i) The owner of private land while providing assistance to  
23 another individual in pursuing, capturing, catching, killing,  
24 taking, or attempting to take game on that private land.

25 (ii) The owner, employee, or member of a game bird hunting  
26 preserve licensed under part 417, or his or her designee, while  
27 providing assistance to another individual in pursuing, capturing,  
28 catching, killing, taking, or attempting to take game birds  
29 authorized to be hunted on that game bird hunting preserve.



1       (iii) The owner or employee of a privately owned game ranch  
2 while providing assistance to another individual in pursuing,  
3 capturing, catching, killing, taking, or attempting to take  
4 privately owned game that he or she is permitted to own on his or  
5 her privately owned game ranch. As used in this subparagraph,  
6 "privately owned game ranch" includes a cervidae livestock facility  
7 registered under the privately owned cervidae producers marketing  
8 act, 2000 PA 190, MCL 287.951 to 287.969.

9       (iv) An individual, business, agency, or nonprofit organization  
10 issued a permit from the department to provide damage or nuisance  
11 animal control services, while providing those damage or nuisance  
12 animal control services.

13       (v) An employee or member of an organization conducting a not-  
14 for-profit event to recruit, retain, or promote hunting, while  
15 providing assistance to another individual in hunting game during  
16 that event.

17       (vi) An individual who complies with subsection (2)(c) and who  
18 is working under the direct supervision of a licensed commercial  
19 hunting guide when a hunting client is present. As used in this  
20 subparagraph, "direct supervision" means that visual and vocal  
21 contact is constantly maintained between the individual and the  
22 licensed commercial hunting guide.

23       (vii) An individual who provides assistance when a hunting  
24 client is not present.

25       (viii) An individual who is compensated for providing assistance  
26 to an individual with a disability or physical limitation. As used  
27 in this subparagraph, "individual with a disability or physical  
28 limitation" means a disabled person as that term is defined in  
29 section 19a of the Michigan vehicle code, 1949 PA 300, MCL 257.19a.



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

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

Sec. 43528d. Except as otherwise provided in this section, the department shall charge a resident applying for a commercial hunting guide license under section 43528c an application fee of \$150.00. The department shall charge a nonresident applying for a commercial hunting guide license under section 43528c an application fee of \$300.00. Money collected under this section must be deposited in the game and fish protection account established in section 2010.

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 101st Legislature are enacted into law:

(a) House Bill No. 5359.

(b) House Bill No. 5360.

