

HOUSE BILL No. 5347

February 10, 2016, Introduced by Reps. Cole, Barrett, Lucido and Kosowski and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1921 PA 359, entitled

"An act to provide for the issuance of veterans' licenses without cost to former members of the armed forces of the United States to sell their own goods within this state; and to prescribe remedies,"

by amending sections 1 and 2 (MCL 35.441 and 35.442), section 1 as amended by 1989 PA 20 and section 2 as amended by 1996 PA 187.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ~~Sec. 1. (1) Every honorably discharged member of the armed~~
 2 ~~forces of the United States who served at least 180 days of active~~
 3 ~~duty service in the armed forces or has a service connected~~
 4 ~~disability as a result of that service and is a resident of this~~
 5 ~~state has the right to~~ **A VETERAN MAY** sell his or her own goods
 6 within this state if the proceeds from the sale of the goods are to
 7 be used for ~~the~~ **HIS OR HER** direct personal benefit or gain. ~~of that~~
 8 ~~former member, by procuring~~

9 **(2) A VETERAN WHO WISHES TO SELL HIS OR HER OWN GOODS AS**

1 AUTHORIZED UNDER SUBSECTION (1) SHALL OBTAIN a license for that
2 purpose ~~issued as provided in this act. , which shall be~~ **A LICENSE**
3 **ISSUED UNDER THIS ACT IS** valid for a period of 1 year.

4 (3) AS USED IN THIS ACT, "VETERAN" MEANS AN INDIVIDUAL WHO
5 MEETS ALL OF THE FOLLOWING:

6 (A) IS A VETERAN AS DEFINED IN SECTION 1 OF 1965 PA 190, MCL
7 35.61.

8 (B) WAS HONORABLY DISCHARGED.

9 (C) IS A RESIDENT OF THIS STATE.

10 Sec. 2. (1) Upon the presentation **OF EVIDENCE THAT THE PERSON**
11 **IS A VETERAN** to the clerk of any county ~~, in which any former~~
12 ~~member of the armed forces~~ **THE VETERAN** resides, ~~of a certificate of~~
13 ~~honorable discharge from the armed forces of the United States,~~
14 ~~showing that the person presenting it served at least 180 days of~~
15 ~~active duty service or upon the presentation to the clerk of a~~
16 ~~certificate from the United States department of veterans affairs~~
17 ~~certifying that the person has a service connected disability,~~ the
18 county clerk shall issue without cost to the ~~former member~~ **VETERAN**
19 a veteran's license certifying him or her to be entitled to the
20 benefits of this act. The county clerk shall provide proper forms
21 and books and shall keep a record of all licenses issued under this
22 act. A license issued under this act is personal to the licensee.
23 An assignment or transfer of the license is void.

24 (2) The licensee while engaged in selling goods under this act
25 shall conspicuously display a sign at the place of sale that
26 contains the following information in not less than 18-point
27 boldfaced type:

1 (a) The name of the licensee.

2 (b) The license number.

3 (c) A statement in substantially the following form:

4 "The profit from the sale of this product is for my personal
5 benefit".

6 (3) At the time of sale of goods under this act, a written
7 statement of not less than 12-point boldfaced type shall be printed
8 on or attached to the goods, in substantially the following form:

9 "The profit from the sale of this product is for my personal
10 benefit".

11 (4) A person shall not knowingly make a false representation
12 that the proceeds from goods sold under this act benefit a
13 veterans' organization. As used in this subsection "veterans'
14 organization" means any of the following:

15 (a) A veterans' organization chartered under federal law.

16 (b) An organization composed of veterans ~~as defined in Act No.~~
17 ~~190 of the Public Acts of 1965, being sections 35.61 to 35.62 of~~
18 ~~the Michigan Compiled Laws,~~ that is organized for a bona fide
19 fraternal, benevolent, educational, philanthropic, humane,
20 patriotic, or charitable purpose.

21 (5) A person who violates subsection (2), (3), or (4) is
22 responsible for a state civil infraction and may be ordered to pay
23 a civil fine of not more than \$1,000.00.

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

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. _____ or House Bill No. 5332 (request no.

1 02698'15 *) of the 98th Legislature is enacted into law.