

**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 82133 (MCL
324.40118, 324.43558, 324.46509, 324.80156, and 324.82133), 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 82133 as added by 1995 PA 58.

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
5 punishable by imprisonment for not more than 90 days or a fine of

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

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

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

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

28 (5) An individual who violates a provision of this part or an
29 order or interim order issued under this part regarding the

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

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

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

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

28 (a) For a first offense, the individual shall not secure or
29 possess a license of any kind to hunt for an additional 2 calendar

1 years after the penalties imposed under subsection (7).

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

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

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

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

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

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

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

28 (13) An individual who violates section 40113(3) is guilty of
29 a misdemeanor punishable by imprisonment for not more than 90 days

1 or a fine of not less than \$100.00 or more than \$500.00, or both,
2 and the costs of prosecution.

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

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

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

25 (17) An individual who violates a provision of this part or an
26 order or interim order issued under this part regarding the
27 importation of a cervid carcass or parts of a cervid carcass, other
28 than hides, deboned meat, quarters or other parts of a cervid that
29 do not have any part of the spinal column or head attached,

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

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

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

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

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

25 (c) **Supplemental feeding of deer.**

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

28 (a) Makes a false statement as to material facts for the
29 purpose of obtaining a license or uses or attempts to use a license

1 obtained by making a false statement.

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

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

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

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

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

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

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

29 (i) Applies for, obtains, or purchases a license during a time

1 that the ~~person~~**individual** is ineligible to secure a license.

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

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

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

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

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

28 (6) **An individual who violates section 43516(3) is subject to**
29 **the following:**

1 (a) For a first offense, is responsible for a state civil
2 infraction and may be ordered to pay a civil fine of not more than
3 \$150.00.

4 (b) For a second or subsequent offense, is guilty of a
5 misdemeanor as provided in section 43560.

6 Sec. 46509. (1) ~~A~~**Except as otherwise provided in this**
7 **section,** a person who violates this part is guilty of a
8 misdemeanor, punishable by imprisonment for not more than 30 days,
9 or a fine of not less than \$100.00 or more than \$500.00, or both,
10 and costs of prosecution.

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

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

18 Sec. 80156. (1) Subject to subsection (2), a person shall not
19 operate a motorboat on the waters of this state unless the
20 motorboat is equipped and maintained with an effective muffler or
21 underwater exhaust system that does not produce sound levels in
22 excess of 90 dB(A) when subjected to a stationary sound level test
23 as prescribed by SAE J2005 or a sound level in excess of 75 dB(A)
24 when subjected to a shoreline sound level measurement procedure as
25 described by SAE J1970. The operator of a motorboat shall present
26 the motorboat for a sound level test as prescribed by SAE J2005
27 upon the request of a peace officer. If a motorboat is equipped
28 with more than 1 motor or engine, the test shall be performed with
29 all motors or engines operating. To determine whether a person is

1 violating this subsection, a peace officer may measure sound levels
2 pursuant to procedures prescribed in SAE J1970, issued 1991-92.

3 (2) The department may by rule establish a motorboat sound
4 level test and set a maximum decibel level or levels permitted for
5 motorboat operation that replace the tests and maximum decibel
6 levels permitted under subsection (1). If a test and maximum
7 decibel level or levels are established pursuant to this
8 subsection, all of the following apply:

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

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

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

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

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

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

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

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

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

5 (6) **A person who violates this section is responsible for a**
6 **state civil infraction and may be ordered to pay a civil fine of**
7 **not more than \$150.00.** A person who violates this section **a second**
8 **or subsequent time** is guilty of a misdemeanor, punishable by
9 imprisonment for not more than 90 days and a fine of not less than
10 \$100.00 or more than \$500.00. Additionally, before putting the
11 motorboat back in use, a person who violates this section is
12 required to install an effective muffler or underwater exhaust
13 system that meets the requirements of this section on the motorboat
14 in violation at his or her expense.

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

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

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

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