

SEED POTATO ACT (EXCERPT)
Act 94 of 2018

***** 286.689.new THIS NEW SECTION IS EFFECTIVE JUNE 24, 2018 *****

286.689.new Violation of act or rule; administrative fine; notice and hearing; recovery of unpaid fine; payment to state treasurer.

Sec. 9. (1) Beginning January 1, 2021, and except as otherwise provided in this section, the director may impose an administrative fine on any person that violates this act or a rule promulgated under this act. An administrative fine imposed under this section may not exceed \$2,500.00 per violation.

(2) Beginning January 1, 2021, a person who plants or distributes potatoes in violation of this act or a rule promulgated under this act is subject to an administrative fine, as determined by the director. An administrative fine imposed by the director under this subsection must be at least \$20.00 per acre but may not exceed \$100.00 per acre per violation.

(3) Beginning January 1, 2021, a person who fails to maintain complete and accurate records under section 5 or a rule promulgated under this act regarding records or fees is subject to an administrative fine, as determined by the director. An administrative fine imposed by the director under this subsection must be at least \$500.00 but may not exceed \$1,000.00.

(4) An administrative fine may not be imposed under this section unless the person charged with the violation is given notice and an opportunity for a hearing held under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) If the director is unable to collect an administrative fine or if any person fails to pay all or a set portion of an administrative fine, the director may bring suit in any court of competent jurisdiction to recover the fine plus costs and attorney fees.

(6) Money collected from any administrative fine imposed under this section must be paid to the state treasurer, who shall credit the same to the fund.

History: 2018, Act 94, Eff. June 24, 2018.