

Act No. 144
Public Acts of 1993
Approved by the Governor
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**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators Ehlers, Gast, Wartner and Dingell

ENROLLED SENATE BILL No. 147

AN ACT to amend the title and sections 103, 104, 105, 106, 107, 108, 109, 201, 202, 205, 206, 208, 301, 302, 303, 304a, 305, 306, 307, 308, 309, 310, 311, 314, 315, 316, 324, 325, 326, 328, 501, 502, 503, 507, 601, 602, 605, 701, and 702 of Act No. 86 of the Public Acts of 1980, entitled "An act to regulate the taking and subsequent transport of game animals, game birds, fur-bearing animals, and fish; to provide for the issuing of licenses, permits, and stamps for the taking, catching, hunting, or killing of game animals, game birds, fur-bearing animals, and fish; to provide for the collection, disposition, and use of certain funds; to prescribe the powers and duties of certain state agencies; to provide for certain immunities from civil and criminal liability; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts," sections 103, 201, 206, 304a, 307, 310, 314, 316, 328, 502, 503, and 701 as amended and section 605 as added by Act No. 63 of the Public Acts of 1986, section 208 as amended by Act No. 259 of the Public Acts of 1988, section 303 as amended by Act No. 183 of the Public Acts of 1986, section 305 as amended by Act No. 76 of the Public Acts of 1989, section 306 as amended by Act No. 272 of the Public Acts of 1989, section 308 as amended by Act No. 108 of the Public Acts of 1990, section 309 as amended by Act No. 210 of the Public Acts of 1989, section 311 as amended by Act No. 126 of the Public Acts of 1984, section 315 as amended by Act No. 95 of the Public Acts of 1992, sections 325 and 501 as amended by Act No. 152 of the Public Acts of 1990, and section 601 as amended by Act No. 270 of the Public Acts of 1987, being sections 316.103, 316.104, 316.105, 316.106, 316.107, 316.108, 316.109, 316.201, 316.202, 316.205, 316.206, 316.208, 316.301, 316.302, 316.303, 316.304a, 316.305, 316.306, 316.307, 316.308, 316.309, 316.310, 316.311, 316.314, 316.315, 316.316, 316.324, 316.325, 316.326, 316.328, 316.501, 316.502, 316.503, 316.507, 316.601, 316.602, 316.605, 316.701, and 316.702 of the Michigan Compiled Laws; to add section 304b; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. The title and sections 103, 104, 105, 106, 107, 108, 109, 201, 202, 205, 206, 208, 301, 302, 303, 304a, 305, 306, 307, 308, 309, 310, 311, 314, 315, 316, 324, 325, 326, 328, 501, 502, 503, 507, 601, 602, 605, 701, and 702 of Act No. 86 of the Public Acts of 1980, sections 103, 201, 206, 304a, 307, 310, 314, 316, 328, 502, 503, and 701 as amended and section 605 as added by Act No. 63 of the Public Acts of 1986, section 208 as amended by Act No. 259 of the Public Acts of 1988, section 303 as amended by Act No. 183 of the Public Acts of 1986, section 305 as amended by Act No. 76 of the Public Acts of 1989, section 306 as amended by Act No. 272 of the Public Acts of 1989, section 308 as amended by Act No. 108 of the Public Acts of 1990, section 309 as amended by Act No. 210 of the Public Acts of 1989, section 311 as amended by Act No. 126 of the Public Acts of 1984, section 315 as amended by Act No. 95 of the Public Acts of 1992, sections 325 and 501 as amended by Act No. 152 of the Public Acts of 1990, and section 601 as amended by Act No. 270 of the Public Acts of 1987, being sections 316.103, 316.104, 316.105, 316.106, 316.107, 316.108, 316.109, 316.201, 316.202, 316.205, 316.206, 316.208, 316.301, 316.302, 316.303, 316.304a, 316.305, 316.306, 316.307, 316.308, 316.309, 316.310, 316.311, 316.314, 316.315, 316.316, 316.324, 316.325, 316.326, 316.328, 316.501, 316.502, 316.503, 316.507, 316.601, 316.602, 316.605, 316.701, and 316.702 of the Michigan Compiled Laws, are amended and section 304b is added to read as follows:

TITLE

An act to provide for the issuance of licenses, permits, and stamps for the taking, catching, hunting, killing, possession, and regulation of game animals, game birds, fur-bearing animals, fish, reptiles, amphibians, crustaceans, and wigglers taken under the authority of a license or permit; to provide for the collection, disposition, and use of certain funds; to prescribe the powers and duties of certain state agencies; to provide for certain immunities from civil and criminal liability; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts.

Sec. 103. (1) "Amphibian" means any frog, toad, salamander, or any other member of the class amphibia.

(2) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(3) "Commission" means the commission of natural resources.

(4) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.

(5) "Department" means the department of natural resources.

(6) "Director" means the director of the department.

Sec. 104. (1) "Fish" means all species of fish.

(2) "Fishing" means the pursuing, capturing, catching, killing, or taking of fish, and includes attempting to pursue, capture, catch, kill, or take fish.

(3) "Firearm" means a weapon from which a dangerous projectile may be propelled by using explosives, gas, or air as a means of propulsion. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of a spring, air, or gas.

(4) "Firearm deer season" means any period in which deer may be lawfully hunted with a firearm.

(5) "Fur-bearing animals" includes badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, weasel, and wolf.

Sec. 105. "Game" means any animal listed in section 4 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.254 of the Michigan Compiled Laws.

Sec. 106. (1) "Hunt" and "hunting" mean to pursue, capture, shoot, kill, chase, follow, harass, harm, rob, or trap a wild animal, or to attempt to engage in such an activity.

(2) "License" means a document, or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or fish.

(3) "Minor child" means a person less than 17 years of age.

(4) "Nonresident" means a person who is not a resident.

Sec. 107. (1) "Open season" means the time during which game animals, game birds, fur-bearing animals, and fish may be legally taken or killed. Open season includes both the first and last day of the season or period.

(2) "Passbook" means a folder, document, plastic card, or other device issued by the department containing space for the applicant's name, address, and vital statistics or a Michigan driver's license when authorized by the department.

(3) "Person" means an individual, sole proprietor, partnership, association, corporation, or other legal entity.

(4) "Reptile" means a turtle, snake, lizard, or any other member of the class reptilia.

(5) "Resident" means any of the following:

(a) A person who resides in a settled or permanent home or domicile within the boundaries of this state with the intention of remaining in this state.

(b) A student who is enrolled in a full-time course at a college or university within this state.

(c) A person regularly enlisted or commissioned as an officer in the armed forces of the United States and officially stationed in this state.

(d) A person regularly enlisted or commissioned as an officer in the armed forces of the United States who, at the time of enlistment, was a resident of this state and has maintained his or her residence in this state for purposes of obtaining a driver's license or voter registration, or both.

Sec. 108. (1) "Senior citizen" means a resident 65 years of age or older.

(2) "Slingshot" means a Y-shaped device with an elastic strip attached between the prongs used for projecting a stone or other object.

(3) "Small game" includes all species of protected game birds and game animals except bear, deer, elk, moose, wild turkey, and fur-bearing animals.

(4) "Small game season" means that period between September 15 and March 31.

Sec. 109. (1) "Take" means fishing, hunting, trapping, catching, capturing, killing, or the attempt to engage in such an activity.

(2) "Trap" and "trapping" mean the taking of wild animals by means of a trap.

(3) "Waterfowl" means ducks, geese, gallinules, and mergansers.

(4) "Wild animal" means a mammal, bird, fish, reptile, amphibian, or crustacea of a wild nature indigenous to this state or introduced to this state by the department or a species determined by the commission to be of public benefit.

(5) "Wiggler" means a mayfly nymph or other aquatic insect nymphs or larvae.

Sec. 201. (1) A person 17 years of age or older shall not fish in any waters over which this state has jurisdiction, or possess fish without having in the person's possession a valid license as provided in this act.

(2) A person shall not hunt, trap, or possess a wild animal without having in the person's possession a valid license as provided in this act.

(3) A person 17 years of age or older shall not take or attempt to take wigglers or crustacea for their personal use without a fishing license as provided in this act.

(4) A person 17 years of age or older shall not take or attempt to take reptiles or amphibians for their personal use without a fishing license as provided in this act.

Sec. 202. A person shall not carry or transport a firearm, slingshot, bow and arrow, or a trap while in any area frequented by wild animals unless that person has in the person's possession a license as required under this act.

Sec. 205. A person may carry, transport, or possess a firearm or a bow and arrow without a hunting license while at or going to and from a recognized rifle or target range, trap or skeet shooting ground, or archery range if the firearm or bow and arrow, while being carried or transported, is as follows:

(a) The firearm is unloaded in both barrel and magazine and either enclosed in a case or carried in the trunk of a vehicle.

(b) The bow is unstrung, or enclosed in a case, or carried in the trunk of a vehicle.

Sec. 206. (1) A resident, the resident's spouse, and the resident's children may hunt small game without a license upon the enclosed farmlands upon which they are regularly domiciled, at a time and in a manner permitted by law; except that they shall obtain a waterfowl hunting license for hunting waterfowl and a federal migratory bird hunting stamp as required by law.

(2) A resident, the resident's spouse, and the resident's children may fish without a license in water wholly within the limits of their enclosed farmlands or other enclosed lands upon which they are regularly domiciled, at a time and in a manner permitted by law.

Sec. 208. (1) A person who has been issued a hunting, fishing, or fur harvester's license when hunting, fishing, or trapping, or in the possession of firearms or other hunting, fishing, or trapping apparatus in an area frequented by wild animals or fish, shall carry the license and shall exhibit the license upon the demand of a conservation officer, a law enforcement officer, or the owner or occupant of the land upon which the person is hunting, fishing, or trapping.

(2) A person shall not carry or possess afield a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle or black powder handgun; or a centerfire handgun or centerfire rifle during firearm deer season unless that person has a valid firearm deer license, with an unused kill tag, if issued, issued in his or her name.

(3) The unused kill tag, if issued, shall be exhibited upon the request of a conservation officer, a law enforcement officer, or the owner or occupant of the land upon which the person is hunting.

Sec. 301. (1) As used in this article, "director" includes a person designated by the director to issue and sell licenses.

(2) A license issued under this act is not valid unless it is signed as required by the director.

Sec. 302. (1) To obtain a hunting, fur harvester, fishing, or sportsperson's license, an applicant shall do all of the following:

(a) Submit to the director proof of residency or sign an affidavit of Michigan residency.

(b) Provide the information required on the license application.

(c) Pay the license fee.

(d) Possess a valid passbook.

(2) A person shall not obtain or attempt to obtain a hunting, fur harvester, fishing, or sportsperson's license if a court order prohibits the person from obtaining such a license.

Sec. 303. (1) Subject to other requirements of this act, the director may issue a hunting license to a minor child subject to both of the following conditions:

(a) On application of a parent or legal guardian of the minor child, if the minor child, when hunting on lands upon which the minor child's parents are not regularly domiciled, is accompanied by the parent, guardian, or other person authorized by the parent or guardian who is 17 years of age or older.

(b) Payment of the license fee.

(2) A license to hunt deer, bear, or elk with a firearm shall not be issued to a person who is less than 14 years of age.

(3) A license to hunt shall not be issued to a person who is less than 12 years of age.

(4) A person authorized to sell hunting licenses shall not issue a hunting license to a person born after January 1, 1960, unless the person presents proof of previous hunting experience in the form of a hunting license issued by this state, another state, a province of Canada, or another country or a certification of completion of training in hunter safety issued to the person by this state, another state, a province of Canada, or another country. If an applicant for a hunting license does not have proof of a previous license or a certification of completion of training in hunter safety, a person authorized to sell hunting licenses may issue a hunting license if the applicant submits a signed affidavit stating that they have completed a course in hunter safety or that they have possessed a hunting license previously. The person selling a hunting license shall record as specified by the director the form of proof of the previous hunting experience or certification of completion of hunters safety training presented by the applicant.

Sec. 304a. (1) The director may issue a sportsperson's license to a resident of this state which includes all of the following:

(a) Resident firearm deer.

(b) Resident small game.

(c) Resident fish.

(d) Resident archery deer.

(e) Resident trout and salmon license.

(2) The sportsperson's license shall be issued instead of the individual licenses enumerated in subsection (1) and shall confer the combined rights and privileges of those licenses.

(3) The fee for a sportsperson's license is \$45.00.

Sec. 304b. If a person applying for a license or permit under this act, other than a limited fishing license under section 316, does not possess or the director does not authorize the use of a Michigan driver's license, the director shall issue an alternative form of passbook. A person authorized by the director to issue licenses shall charge a \$1.00 fee for each passbook that the person issues. The authorized person shall forward the fee collected pursuant to this section to the department. The director shall issue a license and a passbook provided for in this article if the applicant satisfies the license requirements and pays the license fees. Each license shall bear the number of the applicant's passbook and shall authorize the person whose passbook number is printed on the license to hunt, fish, trap, or otherwise exercise the privileges conferred by the license in a manner and at a time prescribed by law.

Sec. 305. (1) Except as otherwise provided in this act, a person shall not hunt small game without a current small game license. Each small game license authorizes the person named in the license to hunt for small game except for animals or birds which require a special license. The fee for a resident small game license is \$9.50. The fee for a nonresident small game license is \$50.00. The resident small game license fee for a minor child is \$4.75.

(2) A nonresident may purchase a limited small game license entitling that person to hunt for a 3-day period all species of small game that are available to hunt under the small game license. The fee for the limited nonresident small game license is \$20.00.

(3) A small game license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

(4) A nonresident hunter who legally possesses a nonresident hunting license may take from this state as open hand baggage the number of birds and animals which are permitted to be taken and in the person's possession at any 1 time.

Sec. 306. (1) A person shall not hunt wild turkeys without a wild turkey hunting license. The fee for a resident wild turkey hunting license is \$9.50. The fee for a resident wild turkey hunting license for a senior citizen is \$1.00. The fee for a nonresident wild turkey hunting license is \$50.00. Applications for a license to hunt wild turkeys shall be entered into a lottery designed and run by the department. A person selected in the lottery shall upon meeting the requirements

of this act receive a wild turkey hunting license. The license shall be issued for a specified hunting period and shall confer upon the holder of the license the right to hunt wild turkeys.

(2) The fees collected for wild turkey hunting licenses shall be used for scientific research, biological survey work on wild turkeys, and wild turkey management in this state.

Sec. 307. (1) A person 16 years of age or older shall not hunt waterfowl without a current waterfowl hunting license issued by this state. The annual license is in addition to the requirements for a small game license and federal migratory bird hunting stamp. The fee for the waterfowl hunting license is \$3.50.

(2) If issued as a stamp, a waterfowl hunting license shall be affixed to the small game license of the person and signed across the face of the stamp by the person to whom it is issued.

(3) A collector may purchase a waterfowl hunting license, if it is issued as a stamp, without being required to place it on a small game license, sign across its face, or provide proof of competency under section 303(4). However, a license described in this subsection is not valid for hunting waterfowl.

(4) A person shall not hunt waterfowl or deer if deer hunting is regulated by permit in an area designated by the commission as a managed waterfowl area without an annual or daily managed waterfowl area permit and any other license, permit, or passbook required by this act. The fee for a daily managed waterfowl area permit is \$3.00. The fee for an annual managed waterfowl area permit is \$10.00.

(5) Following a lottery among applicants for hunting privileges in managed waterfowl areas, only those successful applicants who accept the permit privileges are required to purchase a daily or annual managed waterfowl area permit.

(6) The fee collected for a waterfowl hunting license shall be used to acquire wetlands and other lands to be managed for the benefit of waterfowl. The fee collected for an annual or daily managed waterfowl area permit shall be used to operate, maintain, and develop managed waterfowl areas in this state.

Sec. 308. (1) A person shall not hunt deer during the firearm deer season without purchasing a firearm deer license. The fee for a resident firearm deer license is \$12.50. The fee for a nonresident firearm deer license is \$100.00. Where authorized by the commission, a person may purchase a second firearm deer license in 1 season. The fee for a second resident firearm deer license is \$12.50. The fee for a second nonresident firearm deer license is \$100.00. The commission in exercising its powers to issue orders under section 8 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws, may designate the kind of deer which may be taken, and may limit the issuance of a second firearm deer license in areas it considers advisable in managing deer.

(2) The director may issue a kill tag with or as part of each deer license. The kill tag shall bear the license number. The kill tag shall also include space for other pertinent information including the date and month of killing the animal, the sex of the animal, and size of the antlers. This pertinent information shall be completed by the licensee upon the killing of a deer. The kill tag, if issued, is part of the license.

Sec. 309. (1) A person shall not hunt deer with a bow and arrow during the bow and arrow deer season without a bow and arrow deer license. The fee for a resident bow and arrow deer license is \$12.50. The fee for a nonresident bow and arrow deer license is \$75.00. The resident bow and arrow deer license fee for a minor child is \$6.25. Where authorized by the commission, a person may purchase a second bow and arrow deer license in 1 season. The fee for a second resident bow and arrow deer license is \$12.50. The fee for a second nonresident bow and arrow deer license is \$75.00. The commission in exercising its powers to issue orders under section 8 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws, may designate the kind of deer which may be taken, and may limit the issuance of a second bow and arrow deer license in areas it considers advisable in managing deer.

(2) The director may issue a kill tag with, or as a part of, each bow and arrow deer license. Section 308(2) applies with respect to a bow and arrow deer license.

Sec. 310. (1) A person shall not hunt bear without a bear hunting license. The fee for a resident bear hunting license is \$14.00. The fee for a nonresident bear hunting license is \$150.00.

(2) The director may issue a tag with, or as a part of, a bear license. Section 308(2) applies with respect to a bear license.

Sec. 311. (1) A resident shall not hunt elk during the elk season without an elk hunting license. The fee for an elk hunting license is \$100.00. The commission may establish a nonrefundable application fee not to exceed \$4.00 for each person who applies for an elk hunting license.

(2) The director may issue a tag with, or as a part of, an elk license. Section 308(2) applies with respect to an elk license.

Sec. 314. (1) A person shall not trap or hunt fur-bearing animals without purchasing and possessing a fur harvester's license. However, a fur harvester's license is not required to hunt a fur-bearing animal if the hunting of that animal is not restricted under this or any other act. The fee for a resident fur harvester's license is \$15.00. The fee for a fur harvester's license for a resident minor child is \$7.50.

(2) A nonresident of this state may be issued a nonresident fur harvester's license if the state, province, or country in which the nonresident applicant resides allows residents of this state to obtain equivalent hunting and trapping privileges in that state, province, or country. The fee for an eligible nonresident fur harvester's license is \$150.00. Nonresident fur harvester's licenses shall not be sold or purchased prior to November 15 of each year.

(3) A person who holds a fur harvester's license may hunt fur-bearing animals during the season open to taking fur-bearing animals with firearms and may trap fur-bearing animals during the season open to trapping fur-bearing animals.

Sec. 315. (1) A person 17 years of age or older shall not fish in the waters over which this state has jurisdiction without a license. The fee for a resident annual fishing license is \$9.50. The fee for a nonresident annual fishing license is \$20.00.

(2) The annual fishing license entitles the licensee to take fish other than trout or salmon.

(3) The holder of an annual fishing license, upon payment of an additional fee of \$9.50, may procure a trout and salmon license that entitles the holder to take trout and salmon in a manner and at a time prescribed by law.

(4) The holder of an annual fishing license who purchases a salmon snagging license under section 11 of chapter III of the Michigan sportsmen fishing law, Act No. 165 of the Public Acts of 1929, being section 303.11 of the Michigan Compiled Laws, is not required to purchase a trout and salmon license to snag salmon lawfully. However, after the 1993 open season, the department shall not sell salmon snagging licenses.

Sec. 316. A resident or nonresident may purchase a limited fishing license entitling that person to fish for all species of fish in all waters of this state. The fee for a limited fishing license is \$5.00 per day.

Sec. 324. (1) An application for 1 or more licenses issued under this article may be made by mail or telephone to the department, or a person designated by the department, who shall forward the license issued to the applicant at an address the applicant directs. An applicant shall satisfy all the requirements of this act for obtaining a license before a license is issued by mail or telephone. The department may charge a fee for an application made by mail or telephone in addition to the fee for the license or licenses and the transaction fee authorized under section 325. Total fees collected by the department under this subsection in any license year shall not exceed the additional cost of providing mail or telephone service in that year.

(2) If a check or draft of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee and any penalty.

(3) The director may revoke a license, duplicate license, application, or permit if the director has determined that a fee prescribed in this act has not been paid and remains unpaid after reasonable notice or demand.

(4) If a fee is still delinquent 15 days after the director has given notice to a person who tendered the check or draft, the director shall assess and collect a \$15.00 penalty in addition to the license and transaction fee authorized under section 305.

(5) The director may refuse to issue additional licenses under this act to a person who is delinquent in payment of fees or penalties provided in subsection (4) at the time the application is submitted.

Sec. 325. (1) Except as otherwise provided in this section, a person authorized by the director to issue licenses may retain 7.5% of the fees for each passbook, license, duplicate license, application, or permit that the person sells. A person authorized by the director after March 15, 1993 to issue licenses may retain 5% of the fees for each license, duplicate license, application, or permit that the person sells. The department shall consider any additional location established after March 15, 1993 at which licenses are sold as a new authorized agent for purposes of determining the percentage of fees that may be retained for sales at the new location by that authorized agent.

(2) In addition to the fees authorized under subsection (1), the director may also authorize a person who sells licenses to charge and retain a 50 cent transaction fee for 1 or both of the following:

(a) Inquiries regarding the status of a previous permit application pending with the department.

(b) Collecting migratory bird survey responses.

(3) In addition to the license, application, and permit fees prescribed in article 3, a person authorized by the director to issue licenses shall also charge a 50 cent transaction fee which the authorized person shall forward to the department.

Sec. 326. All licenses issued under this article are valid from March 1 through March 31 of the following year, except for licenses or permits that are valid for a limited season designated in the license or permit.

Sec. 328. (1) If a license or passbook issued pursuant to this act or a deer kill tag or back tag is lost or destroyed, a licensee may procure a duplicate from the director. To obtain a duplicate license, passbook, deer kill tag, or back tag, the licensee shall file a certification of loss form with the director and shall pay the duplicate fee as provided in subsection (2) for each duplicate requested.

(2) If the licensee meets the requirements of subsection (1) and all other requirements of this act for procuring a license, passbook, or if required by this act a deer kill tag, or back tag, the director shall verify the purchase of the original and issue to the licensee the duplicates requested and collect the following applicable duplicate fees:

(a) Except as provided in subdivisions (b) and (c), \$3.00 for all licenses included in a certification of loss.

(b) For a duplicate of a validated deer kill tag, \$12.85 for a resident and \$100.35 for a nonresident.

(c) For a duplicate of a sportsperson's license, \$12.85 for 1 deer kill tag, and \$25.70 for the entire license. Without replacement of the deer kill tags, the duplicate license fee for the license shall be included in the \$3.00 fee established in subdivision (a).

(d) For a duplicate of a passbook, other than a Michigan driver license, \$1.00.

(3) The fee for the wildlife resource protection fund provided for in section 604 shall not be added to the duplicate fee provided for in this section, but shall be deducted from the duplicate fee and paid to the wildlife resource protection fund.

(4) If the total fees originally paid by the licensee are less than the applicable duplicate fee, the fee that shall be paid for the duplicate license shall be equal to the initial license fees.

Sec. 501. (1) The director shall prepare the passbook and licenses to comply with this act and may authorize persons to issue passbooks, other than Michigan driver licenses, and licenses.

(2) A passbook shall provide the following information:

(a) The name of the applicant.

(b) The height and weight of the applicant.

(c) The address of the applicant.

(d) The birth date of the applicant.

(e) The applicant's social security number.

(3) A license may provide the following information:

(a) The date and time of issuance of the license.

(b) The identification code of the person issuing the license.

(c) The form of proof of eligibility to receive a license by the applicant as required.

(d) The passbook number.

(e) The applicant's date of birth.

(4) Beginning on March 1, 1994, the director may require persons authorized to issue licenses under this act to purchase or rent equipment necessary for the issuance of licenses. The purchase or lease charge shall not exceed the actual cost incurred by the department in making the equipment available for purchase or lease. The use of any equipment required under this act on a statewide basis shall not be required or used until all authorized agents have that equipment. However, notwithstanding the equipment rental or purchase charges otherwise required under this section, if the department requires the use of designated computer equipment for the issuance of licenses the department shall supply each licensed agent who is entitled to retain 7.5% of the fees received with a computer system at no charge to the licensed agent for each location at which that licensed agent sells licenses. A person who is eligible to receive equipment without charge may be required to purchase a service and maintenance contract for that equipment. The cost of such a contract shall be not more than \$200.00 for the first year of the contract and thereafter the actual cost to the state of maintaining the computer system. Equipment that is supplied without charge to a licensed agent shall be returned to the department at such time as the person is no longer a licensed agent. The director shall annually exempt from the requirements of this subsection a person who requests from the director authority to issue only limited fishing licenses under section 316.

(5) Beginning on March 1, 1994, a person who is authorized after March 15, 1993 to issue licenses shall pay the full annual rental or purchase fee for equipment required under subsection (4).

(6) A person who on March 15, 1993 is authorized to issue licenses who rents the equipment for the issuance of licenses required under subsection (4) shall pay rent or service and maintenance contract cost, as applicable, for that

equipment not to exceed 50% of the sum of the person's annual cumulative commission authorized under section 325(1), or the rental charge otherwise determined by the director, whichever is less.

(7) The department shall provide persons authorized to issue licenses and passbooks under this act with conservation law enforcement stamps to enable the purchaser of the stamps to contribute to the wildlife resource protection fund created in section 604. Conservation law enforcement stamps shall be issued by the department in the amounts of \$2.00 and \$5.00.

Sec. 502. (1) Until April 1, 1994, the director may require a person authorized to issue passbooks and licenses to file a bond with the department. The type and amount of the bond shall be determined by the director.

(2) A person issuing a passbook, license, or permit shall deposit money received from the sale of each passbook, license, or permit at a bank at the frequency prescribed by the department.

(3) A person shall not charge a fee for a passbook or a license in an amount that is different from the license and transaction fee printed on the passbook or license by the department.

(4) All fees collected from the sale of passbooks, licenses, duplicate licenses, applications, or permits, except for the fees and commissions provided in section 325(1) and (2), are held in trust for the state.

Sec. 503. A person who violates section 502, in addition to other penalties provided by law, forfeits the right to issue licenses and passbooks and forfeits the right to retain any percentage of the license or passbook fees not received by the department within 48 hours after the date and time the license or passbook fees should have been deposited as required by the department.

Sec. 507. The commission may require the director to establish a quota on the number of each kind of license that may be issued.

Sec. 601. (1) Except as provided in sections 604 and 605, the director shall transmit all money received from the sale of licenses to the state treasurer, together with a statement indicating the amount of money received and the source of the money. The game and fish protection fund is created as a separate fund in the department of treasury and the state treasurer shall credit the money received from the sale of passbooks and licenses to the game and fish protection fund.

(2) Except as provided in sections 306, 307, 314, 602, 605, and subsection (3), money credited to the game and fish protection fund shall be paid out by the state treasurer pursuant to the accounting laws of this state for the following purposes:

(a) Services rendered by the director and the director's assistants, together with the expenses incurred in the enforcement and administration of the game, fish, and fur laws of the state, including the necessary equipment and apparatus incident to the operation and enforcement of the game, fish, and fur laws, and the protection, propagation, distribution, and control of game, fish, birds, fur-bearing animals, and other wildlife forms.

(b) The propagation and liberation of game, fur-bearing animals, birds, or fish and for their increase at the time, place, and manner as the director considers advisable.

(c) The purchase, lease, and management of lands, together with the necessary equipment for the purpose of propagating and rearing game, fur-bearing animals, birds, or fish, and for establishing and maintaining game refuges, wildlife sanctuaries, public shooting, and fishing grounds.

(d) Conducting investigations and compiling and publishing information relative to the propagation, protection, and conservation of wildlife.

(e) Delivering lectures, developing cooperation, and carrying on appropriate educational activities relating to the conservation of the wildlife of this state.

(3) The director may make direct grants to colleges and universities in this state, out of funds appropriated from the game and fish protection fund, to conduct fish or wildlife research, or both.

(4) The department and any other executive department of the state that receives money from the game and fish protection fund shall submit an annual report to the legislature showing the amount of money received by the department from the game and fish protection fund and how that money was spent. The executive departments required to submit a report as provided in this subsection shall send a copy of their report to the legislature and to the department.

Sec. 602. One dollar and fifty cents of the license fee for each firearm deer, bow and arrow deer, and resident sportsperson's hunting license shall be used for improving and maintaining a habitat for deer and for the acquisition of lands for an effective program of deer habitat management.

Sec. 605. (1) Thirty-five cents of the fee for each hunting license sold to a resident of zone III shall be used for the purpose of acquiring and administering hunter access leases on private land and for habitat development on the leased land.

(2) The commission may determine and provide lease payments in amounts which are related to the benefits the leased land provides for public use if for a designated lease period a participating landowner agrees to allow public access to certain lands for the purpose of hunting. Department field personnel shall inspect the lands and determine their value to the program. Final approval of lease proposals shall be made by the department.

(3) Participating landowners have authority to control hunter access according to the terms of the lease agreement including terms requiring a hunter to obtain verbal or written permission to hunt on the participating landowners' land.

(4) Pursuant to rules adopted under this section, participating landowners may cancel their lease agreement at any time prior to the expiration of the lease. Cancellation of the agreement prior to the expiration of the lease shall result in the forfeiture of all lease payments that have been received by the participating landowner for the year in which cancellation occurs.

(5) Participating landowners shall post, with signs provided by the department, the boundaries of land leased under this section.

(6) A cause of action shall not arise for injuries to persons hunting on lands leased under this section unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(7) The commission may issue orders pursuant to section 8 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws, governing the administration and operation of a hunting access program.

Sec. 701. (1) A person is guilty of a misdemeanor if the person does any of the following:

(a) Makes a false statement as to material facts for the purpose of obtaining a license, or uses or attempts to use a license obtained by making a false statement.

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

(c) Charges more than the passbook or license fees provided for in this act or issues a passbook or a license without receiving the fee.

(d) Without a license, hunts, traps, or fishes, or has in the person's possession, a wild animal, wild bird, or fish or possesses or takes reptiles, amphibians, mollusks, crustacea, or wigglers.

(e) Sells, loans, or permits in any manner another person to use the person's license or uses or attempts to use another person's license.

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

(g) Uses a tag furnished with a firearm deer license, bow and arrow deer license, bear hunting license, elk license, or turkey permit more than 1 time, or attaches or allows a tag to be attached to a deer, bear, elk, or turkey other than a deer, bear, elk, or turkey lawfully killed by the person.

(h) Makes an application for, obtains, or purchases more than 1 license for a hunting, fishing, or trapping season, not including a daily fishing license, second bow and arrow license, second firearm deer license, or other license specifically authorized by law, or if the applicant's license has been lost or destroyed.

(i) Makes application for, obtains, or purchases a license during a time that the person is ineligible to secure a license.

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

(3) A person licensed to carry a firearm under this act is prohibited from doing so while under the influence of a controlled substance or alcohol or a combination thereof. A person who violates this subsection is guilty of a misdemeanor, punishable by a fine of \$500.00 or 90 days in jail, or both.

(4) An applicant for a license under this act who has previously been convicted of a violation of the game and fish laws of this state, may be required to file an application with the director together with other information as the director considers expedient. The license may be issued by the director.

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

Sec. 702. If a person is convicted of violating this act, or another law relative to hunting, fishing, or trapping which does not otherwise require the revocation of, or prohibit the securing of, a hunting, fishing, or fur harvester's license, the court may order the revocation of the person's hunting, fishing, or fur harvester's license, including a sports person's

license, and may by order provide that the person shall not secure a hunting, fishing, or fur harvester's license for not less than the remainder of the year in which convicted and during the next succeeding year, or longer in the discretion of the court.

Section 2. Sections 304, 329, 332, 801, 802, 803, 804, 805, 806, 807, and 902 of Act No. 86 of the Public Acts of 1980, being sections 316.304, 316.329, 316.332, 316.801, 316.802, 316.803, 316.804, 316.805, 316.806, 316.807, and 316.902 of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.