

Natural resources; fishing; reporting of individuals rescued from waters as result of ice fishing; require and provide for civil infraction determination and civil liability.

NATURAL RESOURCES: Fishing; STATE AGENCIES (EXISTING): Natural resources; LAW ENFORCEMENT: Peace officers; LAW ENFORCEMENT: Law enforcement information network (LEIN)

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending the part heading of part 465 and sections 46501 and  
46509 (MCL 324.46501 and 324.46509), as added by 1995 PA 57, and  
by adding section 46510; and to repeal acts and parts of acts.

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

1 PART 465 ~~FISHING SHANTIES~~ ICE FISHING SHANTIES AND RESCUES

2 Sec. 46501. As used in this part:

3 (A) "CIVIL INFRACTION DETERMINATION" MEANS THAT TERM AS  
4 DEFINED IN SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961,  
5 1961 PA 236, MCL 600.8801.

6 (B) ~~(a)~~ "Fishing shanty" means a fishing house or any  
7 other structure or shelter placed on the ice on the waters over  
8 which this state has jurisdiction.

1 (C) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN  
2 SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
3 MCL 600.8801.

4 (D) "LICENSE" MEANS A FISHING LICENSE ISSUED UNDER PART 435.

5 (E) ~~(b)~~ "Local unit of government" means a county, city,  
6 township, village, or other governmental unit. Local unit of  
7 government does not include ~~the~~ THIS state.

8 (F) "RESCUING AGENCY" MEANS A FEDERAL, STATE, OR LOCAL  
9 ENTITY RESPONSIBLE FOR RESCUING AN INDIVIDUAL BECAUSE OF UNSAFE  
10 ICE CONDITIONS.

11 Sec. 46509. (1) A person who violates A PROVISION OF this  
12 part OTHER THAN SECTION 46510 is guilty of a misdemeanor, punish-  
13 able by imprisonment for not more than 30 days, or a fine of not  
14 less than \$100.00 or more than \$500.00, or both, and costs of  
15 prosecution.

16 (2) Upon conviction for the violation of A PROVISION OF this  
17 part OTHER THAN SECTION 46510, the court shall order the  
18 defendant to reimburse the governmental entity that removes or  
19 provides for the removal of the fishing shanty from the water or  
20 ice an amount equal to 3 times the cost of removal.

21 SEC. 46510. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IF AN  
22 INDIVIDUAL VENTURES ONTO ICE FOR THE PURPOSE OF ICE FISHING,  
23 INCLUDING, BUT NOT LIMITED TO, PLACING OR REMOVING A SHANTY FOR  
24 FISHING, AND IS RESCUED BECAUSE OF UNSAFE ICE CONDITIONS, A LAW  
25 ENFORCEMENT OFFICER SHALL GIVE THE PERSON A WARNING.

26 (2) IF THE RESCUE IS THE SECOND OR SUBSEQUENT RESCUE SINCE  
27 THE EFFECTIVE DATE OF THIS SECTION, THE INDIVIDUAL IS RESPONSIBLE

1 FOR A STATE CIVIL INFRACTION AND SHALL PAY A CIVIL FINE OF THE  
2 FOLLOWING AMOUNT, AS APPLICABLE:

3 (A) FOR THE SECOND RESCUE SINCE THE EFFECTIVE DATE OF THIS  
4 SECTION, \$500.00.

5 (B) FOR THE THIRD OR SUBSEQUENT RESCUE SINCE THE EFFECTIVE  
6 DATE OF THIS SECTION, \$1,000.00. IN ADDITION, THE INDIVIDUAL'S  
7 ICE FISHING PRIVILEGES ARE SUSPENDED UNTIL A DATE 3 YEARS AFTER  
8 THE DATE OF THE RESCUE.

9 (3) PROMPTLY AFTER A DETERMINATION IS MADE UNDER SUBSECTION  
10 (2)(B) THAT A DEFENDANT IS RESPONSIBLE FOR A STATE CIVIL INFRAC-  
11 TION, THE COURT SHALL NOTIFY THE DEPARTMENT OF THE DETERMINATION,  
12 PROVIDING THE DATE AND PLACE OF THE RESCUE, THE INDIVIDUAL'S NAME  
13 AND ADDRESS, AND ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT  
14 FOR THE PURPOSES OF THIS SUBSECTION. THE DEPARTMENT SHALL MAIL  
15 THE INDIVIDUAL A LETTER NOTIFYING THE INDIVIDUAL THAT HIS OR HER  
16 ICE FISHING PRIVILEGES ARE SUSPENDED UNTIL A DATE 3 YEARS AFTER  
17 THE DATE OF THE RESCUE.

18 (4) AN INDIVIDUAL RESCUED A THIRD OR SUBSEQUENT TIME AFTER  
19 THE EFFECTIVE DATE OF THIS SECTION IS CIVILLY LIABLE TO A RESCU-  
20 ING AGENCY INVOLVED IN THE RESCUE FOR THE ACTUAL COST INCURRED BY  
21 THE RESCUING AGENCY IN THE RESCUE EFFORT FOR THAT INDIVIDUAL. IF  
22 A RESCUE OR ATTEMPTED RESCUE WAS MADE OF MORE THAN 1 INDIVIDUAL  
23 IN A SINGLE INCIDENT, THE ACTUAL COST INCURRED BY THE RESCUING  
24 AGENCY IN THE RESCUE EFFORT FOR AN INDIVIDUAL SHALL BE CONSIDERED  
25 TO BE THE TOTAL ACTUAL COST OF THE RESCUE EFFORT BY THAT RESCUING  
26 AGENCY DIVIDED BY THE NUMBER OF INDIVIDUALS FOR WHOM A RESCUE OR

1 ATTEMPTED RESCUE WAS MADE BY THAT RESCUING AGENCY IN THAT  
2 INCIDENT.

3 (5) IF A WARNING IS GIVEN OR A DETERMINATION THAT A  
4 DEFENDANT IS RESPONSIBLE FOR A STATE CIVIL INFRACTION IS MADE  
5 UNDER THIS SECTION AFTER THE EFFECTIVE DATE OF RULES PROMULGATED  
6 UNDER SECTION 4(1)(A)(iii) OF THE L.E.I.N. POLICY COUNCIL ACT OF  
7 1974, 1974 PA 163, MCL 28.214, NOTICE OF THE WARNING OR DETERMI-  
8 NATION SHALL BE POSTED ON THE LAW ENFORCEMENT INFORMATION NETWORK  
9 UNDER THOSE RULES.

10 (6) THIS SECTION IS REPEALED 3 YEARS AFTER THE EFFECTIVE  
11 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

12 Enacting section 1. This amendatory act does not take  
13 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
14 (request no. 01568'01 a) of the 91st Legislature is enacted into  
15 law.