

**SUBSTITUTE FOR
HOUSE BILL NO. 5784**

A bill to amend 1937 PA 284, entitled

"An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,"

by amending sections 1, 2, 3, 3a, 4, 5, 6, 7, 8, and 11 (MCL 287.121, 287.122, 287.123, 287.123a, 287.124, 287.125, 287.126, 287.127, 287.128, and 287.131), section 3 as amended by 2007 PA 81, and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~(a) "Department" as used in this act shall mean the~~

1 ~~Michigan state department of agriculture.~~ AS USED IN THIS ACT:

2 ~~—— (b) "Director" as used in this act means the director of the~~
3 ~~department of agriculture.~~

4 (A) "AGENT" MEANS A PERSON THAT BUYS, RECEIVES, SELLS,
5 EXCHANGES, NEGOTIATES, OR SOLICITS THE SALE, RESALE, EXCHANGE, OR
6 TRANSFER OF 1 OR MORE ANIMALS FOR OR ON BEHALF OF ANOTHER PERSON.

7 (B) ~~(e) "Animals" or "livestock" as used in this act shall~~
8 ~~mean and include~~ INCLUDES horses, ponies, mules, cattle, calves,
9 swine, sheep, POULTRY, PRIVATELY OWNED CERVIDS, RATITES,
10 AQUACULTURE SPECIES, and goats.

11 (C) "AQUACULTURE SPECIES" MEANS AQUATIC ANIMAL ORGANISMS,
12 INCLUDING, BUT NOT LIMITED TO, FISH, CRUSTACEANS, MOLLUSKS,
13 REPTILES, OR AMPHIBIANS, REARED OR CULTURED UNDER CONTROLLED
14 CONDITIONS FOR COMMERCIAL AQUACULTURE OR THE PET TRADE.

15 AQUACULTURE SPECIES DOES NOT INCLUDE AQUATIC ANIMAL ORGANISMS
16 UNDER THE AUTHORITY OF THE DEPARTMENT OF NATURAL RESOURCES.

17 (D) "BUYING STATION" MEANS A FACILITY OR LOCATION WHERE
18 LIVESTOCK ARE CONGREGATED AND PURCHASED BY THE OWNER OR AGENT OF
19 THE FACILITY OR LOCATION FOR MOVEMENT OR SALE. BUYING STATION
20 DOES NOT INCLUDE A LIVESTOCK AUCTION.

21 (E) "COLLECTION POINT" MEANS A FACILITY OR LOCATION WHERE
22 LIVESTOCK ARE CONGREGATED BY THE OWNER OR AGENT OF THE FACILITY
23 OR LOCATION FOR TRANSFER OR MOVEMENT. COLLECTION POINT DOES NOT
24 INCLUDE A LIVESTOCK AUCTION.

25 (F) "CONSIGNMENT SALE" MEANS A SALE IN WHICH LIVESTOCK ARE
26 TRANSFERRED TO AN AGENT FOR SALE, BUT OWNERSHIP IS RETAINED UNTIL
27 THE ANIMALS ARE SOLD.

1 (G) ~~(d)~~ "Dealer" or "broker" as used in this act shall mean
 2 any **MEANS** A person, ~~copartnership, association or corporation~~
 3 engaged **THAT, AS A PRINCIPAL OR AGENT, ENGAGES** in the business of
 4 buying, receiving, selling, exchanging, ~~transporting,~~ **BUYING FOR**
 5 **SLAUGHTER**, negotiating, or soliciting sale, resale, exchange,
 6 transportation, or transfer of any such animals. ~~, but it shall~~
 7 not be construed to include: ~~(1) any DEALER OR BROKER DOES NOT~~
 8 **INCLUDE ANY OF THE FOLLOWING:**

9 (i) A railroad or ~~air line~~ **AIRLINE** transporting animals
 10 either interstate or intrastate. ~~;(2) any~~

11 (ii) A person, ~~association, copartnership or corporation who~~
 12 ~~or which,~~ **THAT**, by dispersal sale, is permanently discontinuing
 13 the business of farming, dairying, breeding, or feeding animals.
 14 ~~;(3) any~~

15 (iii) A person, ~~association, copartnership or corporation~~
 16 that sells livestock ~~which has~~ **THAT HAVE** been raised on the
 17 premises of such ~~THE~~ person. ~~association, copartnership or~~
 18 ~~corporation;~~ ~~(4) any~~

19 (iv) A butcher, packer, or processor to whom animals are
 20 delivered and used exclusively for slaughter. ~~, or that~~

21 (v) **A PERSON WITH RESPECT TO THAT** part of ~~the~~ **HIS OR HER**
 22 business ~~of a farmer which~~ **THAT** consists of buying or receiving
 23 animals for breeding, grazing, and feeding purposes and the sale
 24 or disposal of such ~~THE~~ animals after the feeding or grazing
 25 period of not less than 21 days. ~~;(5) terminal livestock markets~~
 26 ~~where agricultural research service of the United States~~
 27 ~~department of agriculture veterinary inspection is daily~~

1 maintained; ~~(6) occasionally held consignment sales such as~~

2 (vi) OCCASIONALLY HELD CONSIGNMENT SALES SPONSORED AND
3 CONDUCTED BY A breed ASSOCIATION, 4-H, or F.F.A. sales-GROUP,
4 COUNTY FAIR, OR YOUTH FAIR.

5 ~~—— (e) "Agent" as used in this act shall mean any person, firm,~~
6 ~~association, copartnership or corporation buying, receiving,~~
7 ~~selling, exchanging, transporting, negotiating or soliciting~~
8 ~~sale, resale, exchange, transportation or transfer of any animals~~
9 ~~for or on behalf of any dealer or broker.~~

10 (vii) OTHER PERSONS SUBJECT TO EXEMPTIONS APPROVED BY THE
11 DIRECTOR.

12 (H) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE AND
13 RURAL DEVELOPMENT.

14 (I) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS
15 OR HER AUTHORIZED REPRESENTATIVE.

16 (J) "LICENSEE" MEANS A PERSON HOLDING A LICENSE ISSUED UNDER
17 THIS ACT.

18 (K) ~~(f)~~-"Livestock auction" as used in this act shall mean
19 any ~~MEANS A~~ livestock market ~~CONGREGATION POINT~~ where livestock
20 ~~is~~ ~~ARE~~ accepted on consignment and the auction method is used in
21 the marketing of ~~such~~ livestock. A ~~LIVESTOCK AUCTION DOES NOT~~
22 ~~INCLUDE A~~ public auction of farm goods. ~~by a farmer is not~~
23 ~~included in this definition of a livestock auction.~~

24 (l) "LIVESTOCK TRUCKER" MEANS A PERSON, NOT OTHERWISE
25 LICENSED UNDER THIS ACT, THAT ENGAGES IN THE BUSINESS OF
26 TRANSPORTING LIVESTOCK NOT OWNED BY THE PERSON, OR THE PERSON'S
27 EMPLOYER, FROM 1 PREMISES TO ANOTHER. A PERSON IS NOT A LIVESTOCK

1 TRUCKER SOLELY BECAUSE THE PERSON IS ENGAGED IN 1 OR MORE OF THE
2 FOLLOWING ACTIVITIES:

3 (i) HAULING LIVESTOCK ON AN OCCASIONAL BASIS FOR PERSONS
4 PARTICIPATING IN A LIVESTOCK EXHIBITION, FAIR, TRAIL RIDE, YOUTH
5 LIVESTOCK EVENT, OR SIMILAR ACTIVITY.

6 (ii) HAULING LIVESTOCK ON AN INCIDENTAL BASIS IN CONNECTION
7 WITH ANOTHER BUSINESS, SUCH AS A VETERINARY PRACTICE OR A STABLE
8 OPERATION, WHICH IS OPERATED BY THAT PERSON AND WHICH DOES NOT
9 ORDINARILY INVOLVE THE SALE OF LIVESTOCK.

10 (iii) HAULING LIVESTOCK FOR ANOTHER PERSON FEWER THAN 6 TIMES
11 WITHIN THE PRECEDING 12 MONTHS.

12 (M) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
13 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

14 (N) ~~(g)~~ "Weighmaster" ~~as used in this act shall mean any~~
15 MEANS A person registered under this act ~~who~~ THAT weighs
16 livestock at ~~any~~ A livestock market AUCTION licensed under this
17 act.

18 Sec. 2. ~~No~~ A dealer, ~~or~~ broker, AGENT, OR LIVESTOCK TRUCKER
19 shall NOT engage in or carry on the business of buying,
20 receiving, selling, exchanging, transporting, negotiating, or
21 soliciting the sale, resale, exchange, transportation, or
22 transfer of any animals within the state unless ~~duly~~ THE PERSON
23 IS licensed and bonded as hereinafter provided IN THIS ACT. Such
24 A dealer, ~~or~~ broker, shall be AGENT, OR LIVESTOCK TRUCKER IS
25 responsible for acts performed or contracts made by any person ~~or~~
26 individual employed by said THE dealer, ~~or~~ broker, AGENT, OR
27 LIVESTOCK TRUCKER in buying, receiving, selling, exchanging,

1 transporting, negotiating, or soliciting **THE** sale, resale,
2 exchange, transportation, or transfer of livestock.

3 Sec. 3. (1) A person desiring to **OBTAIN A LICENSE UNDER THIS**
4 **ACT TO** act as a dealer, broker, ~~or agent~~, **OR LIVESTOCK TRUCKER,**
5 **OR TO OPERATE A LIVESTOCK AUCTION, BUYING STATION, OR COLLECTION**
6 **POINT** shall ~~file~~**SUBMIT TO THE DEPARTMENT** an application with the
7 department for a license. ~~to engage in the business of dealer,~~
8 ~~broker, or agent.~~ The application shall state the nature of the
9 business, the mailing **POST OFFICE** address of the applicant, ~~and~~
10 the mailing **POST OFFICE** address at or from which the business is
11 to be conducted, **AND ANY ADDITIONAL CONTACT INFORMATION.** If the
12 applicant desires to operate a livestock yard where livestock ~~is~~
13 **ARE** kept and sold at public or private sale, the application
14 shall ~~so state.~~**INCLUDE THAT INFORMATION.** The application ~~may~~
15 ~~state~~**SHALL INCLUDE** additional information as requested by the
16 director.

17 (2) ~~Subject to subsection (7) and~~**EXCEPT AS OTHERWISE**
18 **PROVIDED IN THIS SECTION,** until September 30, ~~2012,~~**2015,** the
19 department shall charge ~~and collect~~ the following **NONREFUNDABLE**
20 fees for initial and renewal license applications:

- 21 (a) Class I (livestock auction **OPERATOR**)..... \$ 400.00.
- 22 (b) Class II (~~collection point~~/buying
23 station **OPERATOR**)..... \$ 250.00.
- 24 ~~—— (c) Class III (horse auction)..... \$ 150.00.~~
- 25 **(C) (d) Class IV-III** (dealer/broker/agent/
26 **COLLECTION POINT OPERATOR**)..... \$ 50.00.
- 27 **(D) CLASS IV (LIVESTOCK TRUCKER)**..... \$ 25.00.

1 ~~Subject to subsection (7) and after September 30, 2012,~~
2 ~~the only fee the department shall charge and collect for the~~
3 ~~issuance and renewal of licenses under this section is a fee of~~
4 ~~\$5.00 for a dealer, broker, or agent license.~~

5 (3) EACH CLASS OF LICENSE LISTED IN SUBSECTION (2) ALLOWS A
6 PERSON TO OPERATE AT ALL CLASSES LISTED BELOW THAT CLASS WITHOUT
7 REQUIRING ADDITIONAL LICENSING. THE LICENSEE SHALL PROVIDE TO THE
8 DEPARTMENT A LIST OF ALL INDIVIDUALS EMPLOYED BY AND OPERATING IN
9 LICENSE CLASSES UNDER HIS OR HER LICENSE.

10 (4) FOR EACH RENEWAL APPLICATION POSTMARKED OR DELIVERED
11 AFTER OCTOBER 1 OF EACH YEAR, A LATE FEE OF AN ADDITIONAL \$10.00
12 SHALL BE IMPOSED FOR EACH BUSINESS DAY THE APPLICATION IS LATE.
13 THE LATE FEE FOR A NEW APPLICATION SUBMITTED AFTER A PERSON IS
14 OPERATING AS A CLASS I, II, III, OR IV OPERATION AS DESCRIBED IN
15 SUBSECTION (2) SHALL BE AN ADDITIONAL \$10.00 PER BUSINESS DAY THE
16 APPLICATION IS LATE. HOWEVER, THE TOTAL LATE FEE SHALL NOT EXCEED
17 \$100.00.

18 (5) ~~(4)~~The department shall deposit administrative and
19 noncriminal fines received under this act and license or other
20 administrative fees received under this section into the
21 agriculture licensing and inspection fees fund created in section
22 9 of the insect pest and plant disease act, 1931 PA 189, MCL
23 286.209, to be used, pursuant to appropriation, by the ~~director~~
24 **DEPARTMENT** in administering and carrying out those duties
25 required by law under this act.

26 (6) ~~(5)~~A licensee who buys or sells livestock by weight
27 shall employ a ~~registered~~ weighmaster to do all **OF** the weighing.

1 The duties, qualifications, and requirements for registration of
2 weighmasters shall be established by the ~~director~~**DEPARTMENT** by
3 ~~promulgation of a rule~~ **PROMULGATED** under section 9.

4 (7) ~~(6) Beginning July 23, 2004, the~~ **THE** department shall
5 issue an initial or renewal ~~dealer, broker, agent, livestock~~
6 ~~auction, collecting point/buying station, and horse auction~~
7 license **UNDER THIS SECTION** not later than ~~90~~**60** days after the
8 applicant ~~files~~**SUBMITS** a completed application. Receipt of the
9 application is considered the date the application is received by
10 ~~any agency or~~ **THE** department. ~~of the state of Michigan.~~ If the
11 application is considered incomplete by the department, the
12 department shall notify the applicant in writing, ~~or make the~~
13 ~~information electronically, available,~~ within 30 days after
14 receipt of the incomplete application, describing the deficiency
15 and requesting the additional information. The ~~90-day~~**60-DAY**
16 period is tolled upon notification by the department of a
17 deficiency until the date the requested information is received
18 by the department. The determination of the completeness of an
19 application does not operate as an approval of the application
20 for the license and does not confer eligibility of an applicant
21 determined otherwise ineligible for issuance of a license.

22 (8) ~~(7)~~ If the department fails to issue or deny a license
23 within the time required by this section, the department shall
24 return the license fee and shall reduce the license fee for the
25 applicant's next renewal application, if any, by 15%. The failure
26 to issue a license within the time required under this subsection
27 does not allow the department to otherwise delay the processing

1 of the application, and that application, upon completion, shall
 2 be placed in sequence with other completed applications received
 3 at that same time. The department shall not discriminate against
 4 an applicant in the processing of the application based upon the
 5 fact that the license fee was refunded or discounted under this
 6 subsection.

7 ~~—— (8) Beginning October 1, 2005, the director shall submit a~~
 8 ~~report by December 1 of each year to the standing committees and~~
 9 ~~appropriations subcommittees of the senate and house of~~
 10 ~~representatives concerned with agriculture issues. The director~~
 11 ~~shall include all of the following information in the report~~
 12 ~~concerning the preceding fiscal year:~~

13 ~~—— (a) The number of initial and renewal applications the~~
 14 ~~department received and completed within the 90 day time period~~
 15 ~~described in subsection (6).~~

16 ~~—— (b) The number of applications denied.~~

17 ~~—— (c) The number of applicants not issued a license within the~~
 18 ~~90 day time period and the amount of money returned to licensees~~
 19 ~~and registrants under subsection (7).~~

20 (9) The application for ~~that~~ **A license OR THE RENEWAL OF A**
 21 **LICENSE, and bond PROOF OF BONDING OR OTHER SECURITY**
 22 **REQUIREMENTS,** shall be submitted to the director on or before
 23 October 1 of each year. Each license issued under this section
 24 shall be for a period of 1 year commencing October 1 and ending
 25 the following September 30.

26 (10) Each ~~dealer, broker, or agent~~ **PERSON** operating ~~or~~
 27 ~~conducting~~ a livestock auction **OR BUYING STATION** shall file with

1 his or her application for a license a surety bond effective
2 during the period for which the license is issued **OR OTHER**
3 **SECURITY**. ~~The~~ **A** surety bond shall be issued by a surety company
4 registered in this state to indemnify persons from whom livestock
5 is purchased or for whom livestock is sold. **THE SURETY BOND** or
6 other security ~~and~~ **SHALL BE** in such amounts, form, and
7 sufficiency as approved by the director. The amount of the bond
8 **OR OTHER SECURITY** shall be ~~an amount~~ equal to the amount of gross
9 dollar volume of livestock business conducted during the average
10 week of the previous licensing year by the applicant, but ~~in no~~
11 ~~ease~~ **SHALL NOT BE** less than \$1,500.00. If the average gross
12 weekly livestock business conducted by the applicant during the
13 previous licensing year was greater than \$25,000.00, the bond
14 shall be increased above \$25,000.00, at the rate of \$1,000.00 for
15 each \$5,000.00 or part thereof above \$25,000.00 ~~on the~~ **OF** average
16 gross ~~dollar volume~~ **DOLLAR VOLUME** of weekly livestock business
17 conducted during the previous year. A licensee who owns or
18 operates more than 1 ~~livestock yard or~~ livestock auction **OR**
19 **BUYING STATION** may file 1 bond in an amount determined by the
20 formula described in this subsection. ~~Any dealer, broker, or~~
21 ~~agent~~ **A LICENSEE** operating ~~or conducting a livestock yard or~~ **A**
22 livestock auction **OR BUYING STATION** who has filed a surety bond
23 for the ~~livestock yard or~~ livestock auction **OR BUYING STATION** and
24 indemnifies persons from whom livestock is purchased or for whom
25 livestock is sold in accordance with the terms of any federal act
26 is exempt from the bonding requirements of this subsection
27 ~~provided~~ **IF** the bond is equivalent in amount to that which would

1 be required by this act. The bond shall be for a ~~dealer or broker~~
2 ~~and his or her agents~~ **LICENSEE** in which the department is the
3 obligee for the benefit and purpose of protecting all persons
4 selling or consigning livestock to the ~~licensed dealer, broker,~~
5 ~~or agent~~ **LICENSEE** against the ~~licensed dealer's, broker's, or~~
6 ~~agent's~~ **LICENSEE'S** failure to pay amounts due on livestock
7 purchased by or consigned to them.

8 (11) Each licensee shall keep records and shall furnish,
9 upon request, information concerning his or her purchases and
10 sales as may be required by the director for the purpose of
11 establishing the amount of bond required under subsection (10).
12 The director, in ~~fixing~~ **ESTABLISHING** the amount of the bond,
13 shall take into consideration the dollar volume of livestock
14 business and other information furnished by the ~~dealer, broker,~~
15 ~~or his or her agent~~ **LICENSEE**. If a ~~dealer, broker, or agent~~
16 **LICENSEE** did not operate a livestock auction the previous
17 licensing year, the bond shall be for an amount ~~as shall be~~
18 established by the director after consideration of all
19 information available on the probable weekly gross dollar volume
20 of business to be conducted by the ~~dealer, broker, or agent~~
21 **LICENSEE** during the licensing year.

22 (12) If during any licensing year the bond filed by ~~any~~ **A**
23 licensee becomes less than required by this act because of an
24 increase in gross dollar volume of livestock sales, **OR BECAUSE OF**
25 **A CLAIM OUTSIDE THIS STATE**, the director may issue an order
26 requiring the licensee to file an additional bond to cover the
27 increase in gross dollar volume of livestock sales. Failure to

1 comply with the orders of the director is grounds for suspension
2 or revocation of license. A bond **OR OTHER SECURITY** shall be
3 conditioned upon the faithful performance of the licensee's
4 duties as a dealer or broker and on the provisions of law
5 relating to the purchase of livestock by the ~~dealer or broker~~
6 **LICENSEE** and for the payment by the ~~dealer or broker~~ **LICENSEE** of
7 all livestock purchased by or consigned to the ~~dealer or broker~~
8 **LICENSEE** as a dealer or broker in livestock. **IF A BOND OR OTHER**
9 **SECURITY REQUIRED UNDER THIS ACT IS CANCELED, THE LICENSE THAT IS**
10 **APPROVED UNDER THAT BOND OR OTHER SECURITY IS CONSIDERED**
11 **IMMEDIATELY SUSPENDED WITHOUT NOTICE. AN OPPORTUNITY FOR A**
12 **HEARING SHALL BE PROVIDED TO THE LICENSEE UNDER THE**
13 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
14 **24.328.**

15 (13) A LICENSEE BONDED AS REQUIRED UNDER THIS ACT SHALL
16 SUBMIT A NOTICE TO THE DEPARTMENT NOT LATER THAN 60 DAYS PRIOR TO
17 CANCELING A BOND.

18 (14) ~~(13)~~ A license issued under this section allows the
19 holder to conduct the business of dealer or broker at or from the
20 place named in the application. A ~~legal entity~~ **PERSON** engaged in
21 the business of transporting livestock or negotiating or
22 soliciting the transportation or transfer of livestock that is
23 not engaged in the buying, selling, reselling, exchanging,
24 negotiating, or soliciting the sale, resale, or exchange of
25 livestock ~~must~~ **SHALL** obtain a license under this section but is
26 not required to comply with bonding **OR OTHER SECURITY** provisions
27 of this section.

House Bill No. 5784 (H-2) as amended September 19, 2012

1 ~~—— (14) A dealer, broker, or agent shall keep adequate records~~
 2 ~~of the producers' proceeds account in compliance with section 3a~~
 3 ~~and of all sales and purchases for a period of 5 years in the~~
 4 ~~manner required by the director. The records shall be open to~~
 5 ~~reasonable inspection by the department.~~

6 (15) A dealer, broker, **LIVESTOCK TRUCKER**, or agent shall
 7 notify the director of a change of address within 5 days after
 8 that change.

9 (16) Any change in ownership of ~~any~~ **A** livestock auction ~~or~~
 10 ~~market~~ shall be reported to the director within 5 days by the
 11 licensee. Each dealer or broker shall file with the director on
 12 January 1 of each year a sworn statement of average weekly sales
 13 and a statement showing the number and ~~kinds~~ **SPECIES** of livestock
 14 purchased and sold during the previous year.

15 (17) ~~(16)~~ As used in this section, "completed application"
 16 means an application complete on its face and submitted with any
 17 applicable licensing fees as well as any other information,
 18 records, approval, security, or similar item required by law or
 19 rule ~~from~~ **OF** a local unit of government, a federal agency, or a
 20 private entity but not ~~from~~ **OF** another department or agency of
 21 ~~the~~ **THIS** state. ~~of Michigan.~~

**[(18) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE
 DEPARTMENT SHALL WAIVE ANY FEE OTHERWISE REQUIRED UNDER THIS SECTION
 IF THE INDIVIDUAL RESPONSIBLE FOR PAYING THE FEE IS, AND PROVIDES PROOF
 SATISFACTORY TO THE DEPARTMENT THAT HE OR SHE IS, AN HONORABLY
 DISCHARGED VETERAN OF THE ARMED FORCES OF THE UNITED STATES.]**

22 Sec. 3a. Each ~~dealer, broker or agent~~ **LICENSEE** operating a
 23 livestock auction **OR BUYING STATION**, in addition to providing a
 24 bond as required by this act, shall maintain a "producers'
 25 proceeds account". Within 7 calendar days following each
 26 livestock auction, the ~~dealer~~ **LICENSEE** shall deposit in the
 27 producers' proceeds account funds ~~which shall be equal to the~~

1 total amount of money due the livestock sellers or consignors of
2 livestock sold or consigned through the livestock auction.
3 Failure to make such deposits in their entirety ~~shall constitute~~
4 **IS** a violation of this section. The director shall audit from
5 time to time the producers' proceeds account and ascertain
6 whether the provisions of this section are being complied with.
7 All records of the ~~licensed dealer~~ **LICENSEE** shall be made
8 available to the director for the purposes of auditing the
9 account. The entire sale price of livestock sold through the
10 auction less commissions, handling charges, service fees and
11 other accepted charges shall be placed in the producers' proceeds
12 account and shall be used to pay the seller or consignor for the
13 livestock and for no other purpose. A record of the commissions,
14 handling charges, service fees and other charges shall be
15 maintained by the licensee and shall be provided to the seller or
16 consignor of the livestock at the completion of the sale.

17 Sec. 4. ~~For failure or refusal to obey the provisions of~~ **IF**
18 **A PERSON FAILS OR REFUSES TO COMPLY WITH** this act, the department
19 may refuse **TO ISSUE** a license or **MAY** suspend or revoke the
20 license held by such ~~the~~ **THE** licensee. ~~Whenever the director is~~
21 ~~satisfied of the existence of any one or more of the reasons for~~
22 ~~refusing, suspending or revoking the license provided for in this~~
23 ~~act, before~~ **BEFORE** refusing, suspending, or revoking the license,
24 the department shall give written notice of a hearing to be had
25 thereon to the licensee affected. The notice shall appoint a time
26 of hearing at the department and shall be mailed by certified or
27 registered mail to the licensee. On the day of the hearing, the

1 licensee may present ~~such~~ evidence to the director as he ~~deems~~
2 ~~fit~~ **OR SHE CONSIDERS APPROPRIATE** regarding the violations
3 charged, and **AFTER THE HEARING** the director shall ~~thereupon~~
4 render a decision. ~~Any~~ **A** licensee who feels aggrieved at the
5 decision of the director may appeal ~~from said~~ **THE** decision within
6 10 days ~~by writ of certiorari~~ to the circuit court of the county
7 where the licensee resides. The following reasons ~~shall be~~
8 ~~construed as just~~ **ARE** cause for refusal ~~,~~ **TO ISSUE A LICENSE OR**
9 **FOR THE** suspension or revocation of a license:

10 (a) ~~Where the~~ **THE** applicant or licensee has failed to pay in
11 full ~~for~~ any amounts due on livestock purchased, or has violated
12 the laws of the state or ~~official regulations~~ **RULES** promulgated
13 by the director ~~or other competent authority~~ governing the
14 interstate or intrastate movement, shipment, or transportation of
15 animals.

16 (b) ~~Where there~~ **THERE** have been **INTENTIONALLY** false or
17 misleading statements to the purchaser ~~as to the health or~~
18 ~~physical condition of the animal or animals with regard to~~
19 ~~official tests, ownership, or quantity of animals or~~
20 ~~misrepresentation in connection therewith, or in the buying or~~
21 ~~receiving of animals, or receiving, selling, exchanging,~~
22 ~~soliciting, or negotiating sale, resale, exchange, transport,~~
23 ~~transfer, weighing, or shipment of animals~~ **CONCERNING THE**
24 **IDENTITY OR THE PHYSICAL CONDITION OF AN ANIMAL, ANY TEST**
25 **INTENDED TO ESTABLISH THE HEALTH STATUS OF AN ANIMAL; OR AS TO**
26 **THE OWNERSHIP OF AN ANIMAL, THE QUANTITY OF ANIMALS, OR OTHER**
27 **MATTER IN CONNECTION WITH THE BUYING, RECEIVING, SELLING,**

1 **EXCHANGING, SOLICITING, OR NEGOTIATING THE SALE, RESALE,**
 2 **EXCHANGE, TRANSPORT, TRANSFER, WEIGHING, OR SHIPMENT OF ANIMALS.**

3 ~~(c) Where the~~**THE** licensee ~~engages~~**HAS ENGAGED** in buying or
 4 receiving animals, or receiving, selling, exchanging, soliciting,
 5 or negotiating the sale, resale, exchange, transport, or transfer
 6 of animals ~~affected with a communicable disease or diseases that~~
 7 ~~are likely to be transmitted to other animals or human beings:~~
 8 ~~Provided, That subdivision (c) of this section shall not apply to~~
 9 ~~animals which have reacted to any test used for the detection of~~
 10 ~~tuberculosis, and Bang's disease, when said animals are disposed~~
 11 ~~of in conformity with state laws and regulations governing~~
 12 ~~disposal of such animals and when such animals are killed under~~
 13 ~~supervision of a United States department of agriculture research~~
 14 ~~service inspector or a regularly authorized inspector of the~~
 15 ~~state livestock disease control division.~~**THAT DO NOT COMPLY WITH**
 16 **OFFICIAL IDENTIFICATION, TESTING, PERMITTING, OR INTRASTATE OR**
 17 **INTERSTATE ANIMAL MOVEMENT REQUIREMENTS UNDER THE ANIMAL INDUSTRY**
 18 **ACT, 1988 PA 466, MCL 287.701 TO 287.746.**

19 ~~(d) Where the~~**THE** licensee ~~fails~~**HAS FAILED** to practice
 20 measures of sanitation, disinfection, ~~and~~**DEAD ANIMAL DISPOSAL AS**
 21 **REQUIRED IN 1982 PA 239, MCL 287.651 TO 287.683, BODIES OF DEAD**
 22 **ANIMALS, ANIMAL HANDLING, OR** inspection as required by this act,
 23 ~~of~~**RELATED TO THE** premises or vehicles used for the stabling ~~7~~
 24 ~~yarding~~ or transportation of animals.

25 ~~(e) Where there~~**THERE** has been a failure or refusal on the
 26 part of the licensee, upon the request of the department, to
 27 produce records ~~of transactions in the carrying on of the~~

1 ~~business for which such license is granted.~~**REQUIRED UNDER THIS**
2 **ACT.**

3 Sec. 5. Every dealer, broker, **LIVESTOCK TRUCKER**, or agent
4 licensed under ~~the provisions of this act~~ and carrying on or
5 conducting business under ~~such~~**THE** license shall at all times
6 keep in or at the place of business or in each vehicle used by
7 ~~such~~**THE** licensee for the purpose of transporting livestock a
8 copy of ~~such~~**THE** license for inspection by any representative of
9 the department, sheriff, undersheriff, deputy sheriff, Michigan
10 state police or any other law enforcing agency. **EACH PERSON**
11 **LICENSED UNDER THIS ACT THAT UTILIZES A VEHICLE, TRAILER, OR**
12 **OTHER CONVEYANCE FOR THE PURPOSE OF TRANSPORTING LIVESTOCK SHALL**
13 **PLACE AND VISIBLY MAINTAIN THE REQUIRED VEHICLE PERMIT ON THE**
14 **UPPER FORWARD CORNER OF THE LEFT SIDE OF THE VEHICLE, TRAILER, OR**
15 **OTHER CONVEYANCE.**

16 Sec. 6. (1) Each dealer, broker, **LIVESTOCK TRUCKER**, or agent
17 leasing, renting, operating, or owning any livestock yards, pens,
18 premises, or vehicles in which animals are quartered, fed, held,
19 or transported shall keep ~~such~~**THE** yards, premises, or vehicles
20 properly cleaned, ~~and~~ disinfected, **AND IN ADEQUATE REPAIR** as
21 prescribed by the department. **THE DIRECTOR MAY RESTRICT THE USE**
22 **OF A LICENSED LIVESTOCK AUCTION FACILITY, PORTION OF A FACILITY,**
23 **OR PERMITTED VEHICLE, TRAILER, OR CONVEYANCE UNTIL THE LICENSEE**
24 **CAN DEMONSTRATE THAT IT COMPLIES WITH CLEANING, DISINFECTING, AND**
25 **ADEQUATE REPAIR REQUIREMENTS UNDER THIS ACT OR A RULE PROMULGATED**
26 **UNDER THIS ACT.**

27 (2) **THE APPLICATION FOR A VEHICLE PERMIT UNDER THIS SECTION**

1 SHALL BE ON FORMS APPROVED BY THE DIRECTOR AND SHALL DEMONSTRATE
2 THAT THE APPLICANT MEETS REQUIREMENTS FOR REGISTRATION AND
3 VEHICLE LICENSING REQUIRED BY THIS STATE.

4 (3) A VEHICLE, TRAILER, OR OTHER CONVEYANCE PERMITTED UNDER
5 THIS ACT SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS FOR
6 TRANSPORT VEHICLES OR LIVESTOCK CONVEYANCES, AND SHALL BE
7 MAINTAINED TO ENSURE THE SAFETY AND WELFARE OF ANY ANIMALS THAT
8 ARE TRANSPORTED IN THE VEHICLE. THE OPERATOR OF THE PERMITTED
9 CONVEYANCE SHALL ALLOW INSPECTION OF THE CONVEYANCE DURING NORMAL
10 BUSINESS HOURS AND WHEN OPERATING, OR AT ANY REASONABLE TIME
11 AGREED UPON BY THE LICENSEE AND THE DIRECTOR. THE DIRECTOR MAY
12 REVOKE THE PERMIT FOR AN INDIVIDUAL VEHICLE WITHOUT PRIOR
13 NOTIFICATION FOR A VIOLATION OF THIS SUBSECTION.

14 (4) A LICENSEE SHALL OBTAIN AND MAINTAIN DURING TRANSPORT
15 ANY OFFICIAL HEALTH CERTIFICATES, MOVEMENT PERMITS, OR TESTING
16 FORMS REQUIRED BY STATE OR FEDERAL LAW.

17 Sec. 7. (1) For the purpose of preventing the spread of
18 infection or communicable diseases of livestock, all animals
19 sold, transferred, or exchanged from any yards or premises by any
20 dealer, broker, or agent ~~as designated in this act shall~~ **MAY** be
21 inspected by a ~~representative of the department.~~ **THE DIRECTOR.**
22 ~~The department shall~~ **DIRECTOR MAY** prescribe the proper tests or
23 treatment of any ~~such~~ animal ~~sold~~ when ~~such~~ tests or treatment
24 are ~~deemed~~ **CONSIDERED** necessary to prevent the spread of a
25 communicable disease **OR UNDUE SUFFERING** of livestock. ~~Such~~ **THE**
26 test or treatment shall be made by a veterinarian approved by the
27 ~~department,~~ **DIRECTOR**, and the **DIRECTOR MAY REQUIRE** fees for ~~such~~

1 ~~tests~~ **THE TEST** or treatment shall ~~TO~~ be paid by the dealer,
2 broker, **LIVESTOCK TRUCKER**, or agent.

3 (2) ~~(a) No~~ **A** dealer, broker, agent, **LIVESTOCK TRUCKER**, or
4 owner of ~~any~~ **AN** animal shall **NOT UNDER AN ASSUMED OR FICTITIOUS**
5 **NAME** sell or offer for sale ~~any such~~ **THE** animal under ~~an assumed~~
6 ~~or fictitious name~~ or make any false or misleading statements as
7 to the identity or the physical condition of ~~said~~ **THE** animal **OR**
8 with regard to any test ~~which~~ **THAT** is supposed to establish the
9 health status of ~~any~~ **THE** animal offered for sale or sold.

10 (3) **ANIMALS THAT ENTER A LIVESTOCK AUCTION, COLLECTION**
11 **POINT, OR BUYING STATION, LICENSED UNDER THIS ACT, ARE CONSIDERED**
12 **TO HAVE MOVED FROM 1 PREMISES TO ANOTHER WITHIN THIS STATE. THE**
13 **LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION IS**
14 **CONSIDERED THE IMMEDIATE POINT OF DESTINATION OF THE ANIMALS AND**
15 **THE LICENSEE IS RESPONSIBLE FOR ENSURING THAT REQUIREMENTS FOR**
16 **ANY NECESSARY OFFICIAL IDENTIFICATION, PERMITTING, TESTING, OR**
17 **CERTIFICATION AS REQUIRED UNDER THE ANIMAL INDUSTRY ACT, 1988 PA**
18 **466, MCL 287.701 TO 287.746, ARE MET PRIOR TO ALLOWING ANIMALS TO**
19 **BE UNLOADED FROM THE CONVEYANCE VEHICLE.**

20 (4) **THE DEPARTMENT MAY CONFER WITH THE LICENSEE OF A**
21 **LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION THAT IS TO**
22 **BE USED BY THE LICENSEE FOR THE PURPOSE OF SELLING, TRADING, OR**
23 **DELIVERING LIVESTOCK AND DEFINE AN AREA SURROUNDING THE PREMISES**
24 **THAT SHALL BE KNOWN AS THE MARKET ZONE OF THE PREMISES. ALL**
25 **LIVESTOCK BROUGHT INTO THE MARKET ZONE AND SOLD OR TRADED SHALL**
26 **BE HANDLED AND SOLD THROUGH THE LIVESTOCK AUCTION OR BUYING**
27 **STATION WITHIN THE MARKET ZONE IN COMPLIANCE WITH STATE LAWS AND**

1 RULES.

2 (5) A LICENSEE OF A LIVESTOCK AUCTION, COLLECTION POINT, OR
3 BUYING STATION SHALL ENSURE THAT PENS AND BUILDINGS ARE AVAILABLE
4 TO PROTECT LIVESTOCK HANDLED FROM INJURY AND INCLEMENT WEATHER.
5 THE PENS AND BUILDINGS SHALL BE OF SUCH CONSTRUCTION AS WILL
6 FACILITATE CLEANING AND DISINFECTION AND SHALL BE REGULARLY
7 CLEANED AND DISINFECTED AND KEPT FREE OF MUD AND ACCUMULATIONS OF
8 MANURE AND FILTH. A LICENSEE SHALL ENSURE THAT ALL OF THE
9 FOLLOWING ARE COMPLIED WITH:

10 (A) FLOORING MATERIALS THAT ARE APPROPRIATE FOR THE HEALTH
11 AND SAFETY OF LIVESTOCK SHALL BE INSTALLED IN ALL PENS AND ALLEYS
12 IN ALL LICENSED LIVESTOCK AUCTIONS AND IN THE LOADING AND
13 UNLOADING AREAS IMMEDIATELY ADJACENT TO THE STRUCTURE.

14 (B) ALL PENS, ALLEYS, AND DOCK AREAS SHALL BE CONSTRUCTED TO
15 FACILITATE DRAINAGE. WATER SHALL NOT BE PERMITTED TO ACCUMULATE
16 IN PENS, ALLEYS, OR THE LOADING AND UNLOADING AREAS, EXCEPT IN
17 APPROVED LAGOONS.

18 (C) MANURE MAY BE STORED ON THE PREMISES OF ANY LICENSED
19 LIVESTOCK AUCTION AND SHALL BE DISPOSED OF ACCORDING TO NORMAL
20 AGRICULTURAL PRACTICES, OR AS OTHERWISE REQUIRED BY THE DIRECTOR.

21 (D) THE WALLS OF ALL PRIMARY ANIMAL ENCLOSURES SHALL BE KEPT
22 CLEAN AND FREE OF ACCUMULATIONS OF FILTH.

23 (E) THE AREA IN FRONT OF THE UNLOADING DOCK, FOR A DISTANCE
24 OF 15 FEET, SHALL BE OF CONCRETE OR IMPERVIOUS MATERIAL SO AS TO
25 FACILITATE THE CLEANING OF MANURE AND DEBRIS FROM THE UNLOADING
26 TRUCKS.

27 (F) ALL AUCTION RINGS, DOCKS, PENS, SCALES, AND ALLEYS USED

1 FOR HOLDING LIVESTOCK SHALL BE THOROUGHLY CLEANED AFTER EACH SALE
2 DAY. IN ADDITION, AUCTION RINGS AND PENS USED TO HOLD ANIMALS
3 WITH AN INFECTIOUS OR CONTAGIOUS DISEASE SHALL ALSO BE THOROUGHLY
4 DISINFECTED WITH A DISINFECTANT APPROVED BY THE DIRECTOR AFTER
5 EACH SALE BEFORE BEING USED AGAIN.

6 (G) WATER SHALL BE OFFERED AT LEAST EVERY 12 HOURS, OR AS
7 NEEDED IN INCLEMENT WEATHER. IF AN ANIMAL IS TO BE HOUSED FOR
8 MORE THAN 24 HOURS, FEED MUST BE OFFERED AT LEAST ONCE A DAY, OR
9 AS APPROPRIATE FOR SPECIES AND AGE OF THE ANIMAL.

10 (H) LIVESTOCK HOUSED FOR MORE THAN 24 HOURS SHALL BE ABLE TO
11 LIE DOWN, TURN AROUND, AND STAND IN ACCORDANCE WITH NORMAL
12 AGRICULTURAL MANAGEMENT PRACTICES. A PERSON WHO PURCHASES CATTLE
13 UNDER 3 MONTHS OF AGE SHALL REMOVE THE CATTLE FROM THE PREMISES
14 BY NOON THE DAY FOLLOWING THE SALE.

15 (6) TRUCKS OR VEHICLES, AND TRANSPORTATION CAGES, USED BY
16 LIVESTOCK DEALERS, BROKERS, OR LIVESTOCK TRUCKERS FOR
17 TRANSPORTATION AND HANDLING OF LIVESTOCK SHALL BE PROPERLY
18 CONSTRUCTED TO ADEQUATELY PROTECT HANDLED LIVESTOCK FROM INJURY
19 AND UNDUE EXPOSURE TO INCLEMENT WEATHER AND SHALL BE REGULARLY
20 CLEANED AND DISINFECTED.

21 (7) ANIMALS UNDER QUARANTINE SHALL NOT BE SOLD THROUGH A
22 LIVESTOCK AUCTION UNLESS APPROVED BY THE DIRECTOR.

23 (8) A LICENSEE SHALL ENSURE THAT ALL PENS USED FOR
24 CONFINEMENT OF ANIMALS WITH A CONTAGIOUS OR INFECTIOUS DISEASE
25 ARE IN A LOCATION THAT PREVENTS CONTACT WITH HEALTHY ANIMALS. THE
26 PENS SHALL BE OF SMOOTH TIGHT SIDING CONSTRUCTION AND OF
27 SUFFICIENT HEIGHT THAT THEY WILL NOT PERMIT THE CONTACT OF ANY

1 OTHER LIVESTOCK. THE PENS SHALL BE DRAINED IN SUCH A MANNER AS TO
2 PREVENT CONTAMINATION OF THE ALLEY. PENS USED FOR LIVESTOCK
3 INFECTED WITH CONTAGIOUS OR INFECTIOUS DISEASES SHALL BE PROPERLY
4 IDENTIFIED AND SHALL NOT BE USED TO CONFINE ANY OTHER LIVESTOCK.

5 (9) EXCEPT UPON A PERMIT FROM THE DIRECTOR, SWINE SHALL NOT
6 BE SOLD OR REMOVED FROM A LIVESTOCK AUCTION, COLLECTION POINT, OR
7 BUYING STATION EXCEPT FOR IMMEDIATE SLAUGHTER. SWINE SHALL NOT BE
8 ALLOWED TO CONTACT ANY SWINE NOT USED FOR IMMEDIATE SLAUGHTER OR
9 DELIVERY AS INDICATED IN THIS SECTION.

10 (10) HEALTHY SWINE NOT SUBJECT TO QUARANTINE THAT ARE WITHIN
11 THIS STATE AND HANDLED IN COMPLIANCE WITH DEPARTMENT RULES AND
12 STATE LAW MAY BE SOLD AND REMOVED FROM LIVESTOCK AUCTION
13 FACILITIES REFERRED TO IN THIS SECTION FOR PURPOSES OTHER THAN
14 IMMEDIATE SLAUGHTER WHEN UNLOADED FROM VEHICLES AND DELIVERED
15 DIRECTLY TO VEHICLES IN WHICH THE SWINE ARE TRANSPORTED FROM THE
16 SALE PREMISES.

17 (11) AS USED IN THIS SECTION, "IMMEDIATE SLAUGHTER" MEANS
18 KILLED OR DELIVERED TO A LICENSED LIVESTOCK FACILITY, WHERE STATE
19 OR FEDERAL VETERINARY INSPECTION IS MAINTAINED DAILY, WITHIN 72
20 HOURS FOLLOWING REMOVAL FROM THE LIVESTOCK AUCTION, COLLECTION
21 POINT, OR BUYING STATION.

22 SEC. 7A. (1) A LICENSEE SHALL NOT TRANSPORT NONAMBULATORY
23 LIVESTOCK TO A LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING
24 STATION. LIVESTOCK THAT BECOME NONAMBULATORY IN TRANSPORT, OR
25 WHILE PRESENT AT A LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING
26 STATION SHALL BE HUMANELY EUTHANIZED, AND THE DEAD ANIMAL
27 DISPOSED OF AS REQUIRED IN SUBSECTION (4) OR BE HUMANELY MOVED OR

1 PHYSICALLY SEPARATED FROM OTHER LIVESTOCK.

2 (2) A LICENSEE SHALL ENSURE THAT NONAMBULATORY LIVESTOCK ARE
3 NOT DRAGGED, PULLED, PUSHED, ROLLED, OR OTHERWISE MOVED EXCEPT AS
4 PASSIVE PASSENGERS ON OR IN SLINGS, MATS, FLOATS, CARTS, PALLETS,
5 OR CONTAINERS, OR AS DIRECTLY NECESSARY TO FACILITATE THE USE OF
6 THESE DEVICES. WHEN MOVED BY THESE DEVICES, THE MOTIVE FORCE
7 SHALL BE ATTACHED TO THE DEVICE, NOT THE LIVESTOCK. NONAMBULATORY
8 ANIMALS THAT ARE NOT IMMEDIATELY EUTHANASIA SHALL BE MANAGED AS
9 PROVIDED IN THIS SECTION AND SHALL RECEIVE APPROPRIATE VETERINARY
10 CARE.

11 (3) THE DIRECTOR MAY REQUIRE A LICENSEE TO ADHERE TO
12 SPECIFIC METHODS OF EUTHANASIA TO ENSURE THE WELFARE OF THE
13 ANIMAL DURING THE EUTHANASIA PROCESS.

14 (4) A LICENSEE SHALL DISPOSE OF ANY DEAD ANIMALS AS DEFINED
15 IN 1982 PA 239, MCL 287.651 TO 287.683, IN THE MANNER REQUIRED IN
16 THAT ACT.

17 Sec. 8. (1) ~~The department or any of the duly authorized~~
18 ~~agents shall have authority to~~ DIRECTOR MAY inspect the records
19 of any licensee at any time to determine the origin and
20 destination of any livestock handled by the licensee and to
21 determine if any provisions of this act or the rules ~~and~~
22 ~~regulations promulgated hereunder~~ UNDER THIS ACT, OR REQUIREMENTS
23 FOR IMPORTATION OF ANIMALS, OR MOVEMENT OF ANIMALS WITHIN THE
24 STATE, have been violated.

25 (2) EACH PERSON LICENSED UNDER THIS ACT SHALL KEEP THE
26 FOLLOWING RECORDS, FOR A MINIMUM OF 5 YEARS, ON EACH ANIMAL
27 BOUGHT, RECEIVED, SOLD, EXCHANGED, TRANSPORTED, RESOLD, OR

1 TRANSFERRED:

2 (A) THE IDENTITY OF EACH ANIMAL, INCLUDING ALL OF THE
3 FOLLOWING:

4 (i) SPECIES.

5 (ii) BREED OR PHYSICAL DESCRIPTION.

6 (iii) AGE OR TYPE.

7 (iv) GENDER.

8 (B) THE DATE AND SOURCE OF EACH ANIMAL, INCLUDING COMPLETE
9 NAME AND ADDRESS OF THE PERSON FROM WHOM THE ANIMAL IS ACQUIRED.

10 (C) RECORDS OF ALL REQUIRED TESTS, TREATMENTS, MOVEMENT
11 CERTIFICATES, AND PERMITS.

12 (D) THE DATE AND PLACE OF DISPOSITION OF EACH ANIMAL
13 INCLUDING THE COMPLETE NAME AND ADDRESS OF THE DESTINATION AND
14 THE NAME OF THE PERSON RECEIVING THE ANIMAL.

15 (3) IN ADDITION TO THE RECORDS DESCRIBED IN SUBSECTION (2),
16 A PERSON LICENSED TO OPERATE A LIVESTOCK AUCTION, BUYING STATION,
17 OR COLLECTION POINT SHALL KEEP THE FOLLOWING RECORDS OF EACH
18 ANIMAL BOUGHT, RECEIVED, SOLD, EXCHANGED, TRANSPORTED, RESOLD, OR
19 TRANSFERRED:

20 (A) THE OFFICIAL IDENTIFICATION OF EACH ANIMAL RECORDED BY
21 OFFICIAL EARTAG, OFFICIAL BREED REGISTRY TATTOO, OR OFFICIAL
22 BACKTAG NUMBER.

23 (B) IF AN ANIMAL IS SOLD BY WEIGHT, THE OFFICIAL WEIGHT OF
24 THE ANIMAL.

25 (4) ANIMALS, AS DETERMINED BY THE DIRECTOR, AT A LICENSED
26 LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION CONSIGNED
27 FOR SLAUGHTER, OR THAT DO NOT MEET INTRASTATE TESTING

1 REQUIREMENTS FOR MOVEMENT FROM 1 PREMISES TO ANOTHER, SHALL BE
2 SOLD FOR SLAUGHTER ONLY AND SHALL BE MOVED DIRECTLY TO SLAUGHTER.
3 A PERSON OPERATING A LIVESTOCK AUCTION OR BUYING STATION SHALL
4 NOT SELL LIVESTOCK TO A BUYER OF ANIMALS NOT MEETING INTRASTATE
5 TESTING REQUIREMENTS FOR MOVEMENT FROM 1 PREMISES TO ANOTHER
6 UNLESS THE BUYER CERTIFIES IN A SIGNED STATEMENT THAT THE ANIMALS
7 REMOVED FROM THE PREMISES SHALL BE MOVED DIRECTLY TO A SLAUGHTER
8 ESTABLISHMENT AND SLAUGHTERED WITHIN 5 DAYS AFTER MOVEMENT. A
9 LICENSEE SHALL NOT ALLOW ANIMALS TO BE REMOVED FROM A LIVESTOCK
10 AUCTION, COLLECTION POINT, OR BUYING STATION PREMISES UNTIL THE
11 BUYER PROVIDES THE SLAUGHTER DESTINATION INFORMATION FOR EACH
12 ANIMAL BEING REMOVED FROM THE PREMISES.

13 ~~Sec. 11. Whoever violates or refuses to comply with any of~~
14 ~~the provisions of this act shall, upon conviction, be sentenced~~
15 ~~to pay a fine of not less than 25 dollars nor more than 100~~
16 ~~dollars and costs of prosecution, and in default of payment of~~
17 ~~fine and costs, shall be sentenced to imprisonment for not less~~
18 ~~than 10 nor more than 30 days, and for each subsequent violation~~
19 ~~a fine shall be imposed of not less than 100 dollars nor more~~
20 ~~than 500 dollars, or imprisonment for not more than 6 months, or~~
21 ~~both, and the costs of prosecution.~~

22 (1) A PERSON THAT VIOLATES SECTION 2 MAY BE ORDERED TO PAY A
23 CIVIL FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$1,000.00. EACH
24 DAY OF CONTINUING VIOLATION IS A SEPARATE VIOLATION. HOWEVER, A
25 PERSON SHALL NOT BE SUBJECT TO A CIVIL FINE TOTALING MORE THAN
26 \$25,000.00.

27 (2) THE COURT MAY ALLOW THE DEPARTMENT TO RECOVER REASONABLE

1 COSTS AND ATTORNEY FEES INCURRED IN AN ACTION RESULTING IN THE
2 IMPOSITION OF A CIVIL FINE UNDER SUBSECTION (1). COSTS ASSESSED
3 AND RECOVERED UNDER THIS SUBSECTION SHALL BE PAID TO THE STATE
4 TREASURY AND CREDITED TO THE DEPARTMENT FOR THE ENFORCEMENT OF
5 THIS ACT.

6 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1), THE
7 DIRECTOR, UPON FINDING THAT A PERSON HAS VIOLATED THIS ACT OR A
8 RULE PROMULGATED UNDER THIS ACT, MAY DO ANY OF THE FOLLOWING:

9 (A) ISSUE A WARNING.

10 (B) IMMEDIATELY SUMMARILY SUSPEND USE OF EQUIPMENT, A
11 VEHICLE, OR A FACILITY WITH THE OPPORTUNITY FOR A HEARING UNDER
12 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
13 24.201 TO 24.328.

14 (C) IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE THAN \$1,000.00
15 FOR EACH VIOLATION AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING
16 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
17 306, MCL 24.201 TO 24.328.

18 (D) ISSUE AN APPEARANCE TICKET AS DESCRIBED AND AUTHORIZED
19 BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF CRIMINAL
20 PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, FOR A VIOLATION OF
21 SUBSECTION (4).

22 (4) A PERSON THAT VIOLATES THIS ACT IS GUILTY OF A
23 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
24 OR A FINE OF NOT LESS THAN \$300.00 OR NOT MORE THAN \$1,000.00, OR
25 BOTH.

26 (5) THE REMEDIES AND SANCTIONS UNDER THIS ACT ARE
27 INDEPENDENT AND CUMULATIVE. THE USE OF A REMEDY OR SANCTION UNDER

1 THIS ACT DOES NOT BAR OTHER LAWFUL REMEDIES AND SANCTIONS AND
2 DOES NOT LIMIT CRIMINAL OR CIVIL LIABILITY. NOTWITHSTANDING ANY
3 OTHER PROVISION OF THIS ACT, THE DEPARTMENT MAY BRING AN ACTION
4 TO DO 1 OR MORE OF THE FOLLOWING:

5 (A) OBTAIN A DECLARATORY JUDGMENT THAT A METHOD, ACT, OR
6 PRACTICE IS A VIOLATION OF THIS ACT.

7 (B) OBTAIN AN INJUNCTION AGAINST A PERSON WHO IS ENGAGING,
8 OR ABOUT TO ENGAGE, IN A METHOD, ACT, OR PRACTICE THAT VIOLATES
9 THIS ACT.

10 (6) THE DIRECTOR SHALL ADVISE THE ATTORNEY GENERAL OF THE
11 FAILURE OF ANY PERSON TO PAY AN ADMINISTRATIVE OR CIVIL FINE
12 IMPOSED UNDER THIS SECTION. THE ATTORNEY GENERAL SHALL BRING A
13 CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION TO RECOVER THE
14 FINE AND COSTS AND FEES, INCLUDING ATTORNEY FEES. CIVIL FINES AND
15 ADMINISTRATIVE FINES COLLECTED SHALL BE PAID TO THE STATE
16 TREASURY AND CREDITED TO THE DEPARTMENT FOR THE ENFORCEMENT OF
17 THIS ACT.