

HOUSE BILL No. 5784

July 18, 2012, Introduced by Reps. Glardon, Daley and Potvin and referred to the Committee on Agriculture.

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, 4, 5, 6, 7, 8, and 11 (MCL 287.121, 287.122, 287.123, 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~~
2 ~~Michigan state department of agriculture.~~**AS USED IN THIS ACT:**

3 ~~(b) "Director" as used in this act means the director of the~~

1 ~~department of agriculture.~~

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

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

10 (C) "AQUACULTURE SPECIES" MEANS AQUATIC ANIMAL ORGANISMS,
11 INCLUDING, BUT NOT LIMITED TO, FISH, CRUSTACEANS, MULLUSKS,
12 REPTILES, OR AMPHIBIANS REARED OR CULTURED UNDER CONTROLLED
13 CONDITIONS FOR COMMERCIAL AQUACULTURE OR THE PET TRADE.
14 AQUACULTURE SPECIES DOES NOT INCLUDE AQUATIC ANIMAL ORGANISMS
15 UNDER THE AUTHORITY OF THE DEPARTMENT OF NATURAL RESOURCES.

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

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

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

27 (G) ~~(d)~~-"Dealer" or "broker" ~~as used in this act shall mean~~

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

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

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

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

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

20 (v) **A FARMER WITH RESPECT TO THAT** part of ~~the~~ **HIS OR HER**
 21 business ~~of a farmer which~~ **THAT** consists of buying or receiving
 22 animals for breeding, grazing, and feeding purposes and the sale
 23 or disposal of ~~such~~ **THE** animals after the feeding or grazing
 24 period of not less than ~~21~~ **45** days. ~~; (5) terminal livestock~~
 25 ~~markets where agricultural research service of the United States~~
 26 ~~department of agriculture veterinary inspection is daily~~
 27 ~~maintained; (6) occasionally held consignment sales such as~~

1 (vi) A breed ASSOCIATION, 4-H or F.F.A. sales-~~GROUP COUNTY~~
2 FAIR, OR YOUTH FAIR SPONSORING OR CONDUCTING AN OCCASIONALLY HELD
3 CONSIGNMENT SALE.

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

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

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

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

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

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

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

27 (M) "OCCASIONALLY HELD CONSIGNMENT SALE" MEANS A CONSIGNMENT

1 SALE THAT IS HELD NOT MORE THAN 3 TIMES DURING ANY STATE FISCAL
2 YEAR.

3 (N) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
4 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

5 (O) ~~(g)~~ "Weighmaster" ~~as used in this act shall mean any~~
6 MEANS A person registered under this act ~~who~~ THAT weighs
7 livestock at ~~any~~ A livestock market licensed under this act.

8 Sec. 2. ~~No~~ A dealer, ~~or~~ broker, AGENT, OR LIVESTOCK TRUCKER
9 shall NOT engage in or carry on the business of buying,
10 receiving, selling, exchanging, transporting, negotiating, or
11 soliciting the sale, resale, exchange, transportation, or
12 transfer of any animals within the state unless ~~duly~~ THE PERSON
13 IS licensed ~~and bonded as hereinafter provided~~ IN THIS ACT. ~~Such~~
14 A dealer, ~~or~~ broker, shall be AGENT, OR LIVESTOCK TRUCKER IS
15 responsible for acts performed or contracts made by any person ~~or~~
16 ~~individual~~ employed by ~~said~~ THE dealer, ~~or~~ broker, AGENT, OR
17 LIVESTOCK TRUCKER in buying, receiving, selling, exchanging,
18 transporting, negotiating, or soliciting THE sale, resale,
19 exchange, transportation, or transfer of livestock.

20 Sec. 3. (1) ~~A person desiring to~~ TO OBTAIN A LICENSE UNDER
21 THIS ACT TO act as a dealer, broker, ~~or~~ agent, OR LIVESTOCK
22 TRUCKER, A PERSON shall ~~file~~ SUBMIT TO THE DEPARTMENT an
23 application ~~with the department~~ for a license. ~~to engage in the~~
24 ~~business of dealer, broker, or agent.~~ The application shall state
25 the nature of the business, the ~~mailing~~ POST OFFICE address of
26 the applicant, ~~and the mailing~~ POST OFFICE address at or from
27 which the business is to be conducted, AND ANY ADDITIONAL CONTACT

1 **INFORMATION.** If the applicant desires to operate a livestock yard
2 where livestock is kept and sold at public or private sale, the
3 application shall ~~so state.~~ **INCLUDE THAT INFORMATION.** The
4 application ~~may state~~ **SHALL INCLUDE** additional information as
5 requested by the director.

6 (2) ~~Subject to subsection (7) and until September 30, 2012,~~
7 ~~the~~ **THE** department shall charge and collect the following
8 **NONREFUNDABLE** fees for initial and renewal license applications:

- 9 (a) Class I (livestock auction)..... \$ 400.00.
- 10 (b) Class II (collection point/buying
11 station)..... \$ 250.00.
- 12 ~~(c) Class III (horse auction)..... \$ 150.00.~~
- 13 (C) ~~(d)~~ Class ~~IV~~ **III** (dealer/broker/agent)... \$ 50.00.
- 14 (D) **CLASS IV (LIVESTOCK TRUCKER)**..... \$ 25.00.

15 ~~(3) Subject to subsection (7) and after September 30, 2012,~~
16 ~~the only fee the department shall charge and collect for the~~
17 ~~issuance and renewal of licenses under this section is a fee of~~
18 ~~\$5.00 for a dealer, broker, or agent license.~~

19 (3) **EACH CLASS OF LICENSING APPLICATION FEE LISTED IN**
20 **SUBSECTION (2) ALLOWS A PERSON TO OPERATE AT ALL CLASSES LISTED**
21 **BELOW THAT CLASS WITHOUT REQUIRING ADDITIONAL LICENSING. THE**
22 **LICENSEE SHALL PROVIDE TO THE DEPARTMENT A LIST OF ALL PERSONS**
23 **EMPLOYED BY AND OPERATING IN LICENSE CLASSES UNDER THE LICENSEE'S**
24 **LICENSE.**

25 (4) **FOR EACH RENEWAL APPLICATION POSTMARKED OR DELIVERED**
26 **AFTER OCTOBER 1 OF EACH YEAR, A LATE FEE OF AN ADDITIONAL \$10.00**

1 SHALL BE IMPOSED FOR EACH BUSINESS DAY THE APPLICATION IS LATE.
2 THE LATE FEE FOR A NEW APPLICATION SUBMITTED AFTER A PERSON IS
3 OPERATING AS A CLASS I, II, III, OR IV OPERATION AS DESCRIBED IN
4 SUBSECTION (2) SHALL BE AN ADDITIONAL \$10.00 PER BUSINESS DAY THE
5 APPLICATION IS LATE. HOWEVER, THE TOTAL LATE FEE SHALL NOT EXCEED
6 \$100.00.

7 (5) ~~(4)~~—The department shall deposit administrative and
8 noncriminal fines received under this act and license or other
9 administrative fees received under this section into the
10 agriculture licensing and inspection fees fund created in section
11 9 of the insect pest and plant disease act, 1931 PA 189, MCL
12 286.209, to be used, pursuant to appropriation, by the ~~director~~
13 **DEPARTMENT** in administering and carrying out those duties
14 required by law under this act.

15 (6) ~~(5)~~—A licensee who buys or sells livestock by weight
16 shall employ a ~~registered~~ weighmaster to do all **OF** the weighing.
17 The duties, qualifications, and requirements for registration of
18 weighmasters shall be established by the ~~director~~ **DEPARTMENT** by
19 ~~promulgation of a rule~~ **PROMULGATED** under section 9.

20 (7) ~~(6)~~—~~Beginning July 23, 2004, the~~ **THE** department shall
21 issue an initial or renewal dealer, broker, agent, **OR** livestock
22 auction, ~~collecting point/buying station, and horse auction~~
23 **TRUCKER** license not later than 90 days after ~~the applicant files~~
24 ~~a completed application. Receipt of the application is considered~~
25 ~~the date the~~ **A COMPLETED** application is received by ~~any agency or~~
26 **THE** department. ~~of the state of Michigan.~~ If the application is
27 considered incomplete by the department, the department shall

1 notify the applicant in writing ~~or make the information~~
2 electronically, ~~available,~~ within 30 days after receipt of the
3 incomplete application, describing the deficiency and requesting
4 the additional information. The 90-day period is tolled upon
5 notification by the department of a deficiency until the date the
6 requested information is received by the department. The
7 determination of the completeness of an application does not
8 operate as an approval of the application for the license and
9 does not confer eligibility ~~of~~ **ON** an applicant determined
10 otherwise ineligible for issuance of a license.

11 (8) ~~(7)~~—If the department fails to issue or deny a license
12 within the time required by this section, the department shall
13 return the license fee and shall reduce the license fee for the
14 applicant's next renewal application, if any, by 15%. The failure
15 to issue a license within the time required under this subsection
16 does not allow the department to otherwise delay the processing
17 of the application, and that application, upon completion, shall
18 be placed in sequence with other completed applications received
19 at that same time. The department shall not discriminate against
20 an applicant in the processing of the application based upon the
21 fact that the license fee was refunded or discounted under this
22 subsection.

23 (9) ~~(8) Beginning October 1, 2005, the~~ **THE** director shall
24 submit a report by December 1 of each year to the standing
25 committees and appropriations subcommittees of the senate and
26 house of representatives concerned with agriculture issues. The
27 director shall include all of the following information in the

1 report concerning the preceding fiscal year:

2 (a) The number of initial and renewal applications the
3 department received and completed within the 90-day time period
4 described in subsection ~~(6)~~-(7).

5 (b) The number of applications denied.

6 (c) The number of applicants not issued a license within the
7 90-day time period and the amount of money returned to licensees
8 and registrants under subsection ~~(7)~~-(8).

9 (10) ~~(9)~~The application for ~~that~~**A license OR THE RENEWAL**
10 **OF A LICENSE** and ~~and~~**PROOF OF BONDING REQUIREMENTS** shall be
11 submitted to the director on or before October 1 of each year.
12 Each license issued under this section shall be for a period of 1
13 year commencing October 1 and ending the following September 30.

14 (11) ~~(10)~~Each dealer, broker, or agent operating or
15 conducting a livestock auction, **COLLECTION POINT, OR BUYING**
16 **STATION** shall file with his or her application for a license a
17 surety bond effective during the period for which the license is
18 issued **OR OTHER SECURITY**. ~~The~~**A** surety bond shall be issued by a
19 surety company registered in this state to indemnify persons from
20 whom livestock is purchased or for whom livestock is sold. **THE**
21 **SURETY BOND** or other security ~~and~~**SHALL BE** in such amounts, form,
22 and sufficiency as approved by the director. The amount of the
23 ~~and~~**SECURITY** shall be ~~an amount~~ equal to the amount of gross
24 dollar volume of livestock business conducted during the average
25 week of the previous licensing year by the applicant, but ~~in no~~
26 ~~case~~**SHALL NOT BE** less than \$1,500.00. If the average gross
27 weekly livestock business conducted by the applicant during the

1 previous licensing year was greater than \$25,000.00, the bond
2 shall be increased above \$25,000.00, at the rate of \$1,000.00 for
3 each \$5,000.00 or part thereof above \$25,000.00 ~~on the~~ **OF** average
4 gross ~~dollar volume~~ **DOLLAR VOLUME** of weekly livestock business
5 conducted during the previous year. A licensee who owns or
6 operates more than 1 ~~livestock yard or~~ livestock auction,
7 **COLLECTION POINT, OR BUYING STATION** may file 1 bond in an amount
8 determined by the formula described in this subsection. ~~Any~~ **A**
9 dealer, broker, or agent operating or conducting a ~~livestock yard~~
10 ~~or~~ livestock auction, **COLLECTION POINT, OR BUYING STATION** who has
11 filed a surety bond for the ~~livestock yard or~~ livestock auction,
12 **COLLECTION POINT, OR BUYING STATION** and indemnifies persons from
13 whom livestock is purchased or for whom livestock is sold in
14 accordance with the terms of any federal act is exempt from the
15 bonding requirements of this subsection ~~provided~~ **IF** the bond is
16 equivalent in amount to that which would be required by this act.
17 The bond shall be for a dealer or broker and his or her agents in
18 which the department is the obligee for the benefit and purpose
19 of protecting all persons selling or consigning livestock to the
20 licensed dealer, broker, or agent against the licensed dealer's,
21 broker's, or agent's failure to pay amounts due on livestock
22 purchased by or consigned to them.

23 (12) ~~(11)~~ Each licensee shall keep records and shall
24 furnish, upon request, information concerning his or her
25 purchases and sales as may be required by the director for the
26 purpose of establishing the amount of bond required under
27 subsection ~~(10)~~ **(11)**. The director, in ~~fixing~~ **ESTABLISHING** the

1 amount of the bond, shall take into consideration the dollar
2 volume of livestock business and other information furnished by
3 the dealer, broker, or his or her agent. If a dealer, broker, or
4 agent did not operate a livestock auction the previous licensing
5 year, the bond shall be for an amount ~~as shall be~~ established by
6 the director after consideration of all information available on
7 the probable weekly gross dollar volume of business to be
8 conducted by the dealer, broker, or agent during the licensing
9 year.

10 (13) ~~(12)~~—If during any licensing year the bond filed by ~~any~~
11 **A** licensee becomes less than required by this act because of an
12 increase in gross dollar volume of livestock sales, the director
13 may issue an order requiring the licensee to file an additional
14 bond to cover the increase in gross dollar volume of livestock
15 sales. Failure to comply with the orders of the director is
16 grounds for suspension or revocation of license. A bond **OR OTHER**
17 **SECURITY** shall be conditioned upon the faithful performance of
18 the licensee's duties as a dealer or broker and on the provisions
19 of law relating to the purchase of livestock by the dealer or
20 broker and for the payment by the dealer or broker of all
21 livestock purchased by or consigned to the dealer or broker as a
22 dealer or broker in livestock. **IF A BOND OR OTHER SECURITY**
23 **REQUIRED UNDER THIS ACT IS CANCELED, THE LICENSE THAT IS APPROVED**
24 **UNDER THAT BOND IS CONSIDERED IMMEDIATELY REVOKED WITHOUT NOTICE**
25 **OR HEARING.**

26 (14) ~~(13)~~—A license issued under this section allows the
27 holder to conduct the business of dealer or broker at or from the

1 place named in the application. A ~~legal entity~~ **PERSON** engaged in
2 the business of transporting livestock or negotiating or
3 soliciting the transportation or transfer of livestock that is
4 not engaged in the buying, selling, reselling, exchanging,
5 negotiating, or soliciting the sale, resale, or exchange of
6 livestock ~~must~~ **SHALL** obtain a license under this section but is
7 not required to comply with ~~bonding~~ **SECURITY** provisions of this
8 section.

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

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

17 (16) Any change in ownership of ~~any~~ **A** livestock auction or
18 market shall be reported to the director within 5 days by the
19 licensee. Each dealer or broker shall file with the director on
20 January 1 of each year a sworn statement of average weekly sales
21 and a statement showing the number, **SPECIES, AND VALUES** and kinds
22 of livestock purchased and sold during the previous year.

23 (17) ~~(16)~~ As used in this section, "completed application"
24 means an application complete on its face and submitted with any
25 applicable licensing fees as well as any other information,
26 records, approval, security, or similar item required by law or
27 rule ~~from~~ **OF** a local unit of government, a federal agency, or a

1 private entity but not ~~from~~ **OF** another department or agency of
 2 ~~the~~ **THIS** state. ~~of Michigan.~~

3 Sec. 4. ~~For failure or refusal to obey the provisions of~~ **IF**
 4 **A PERSON FAILS OR REFUSES TO COMPLY WITH** this act, the department
 5 may refuse **TO ISSUE** a license or **MAY** suspend or revoke the
 6 license held by ~~such~~ **THE** licensee. ~~Whenever the director is~~
 7 ~~satisfied of the existence of any one or more of the reasons for~~
 8 ~~refusing, suspending or revoking the license provided for in this~~
 9 ~~act, before~~ **BEFORE** refusing, suspending, or revoking the license,
 10 the department shall give written notice of a hearing to be had
 11 thereon to the licensee affected. The notice shall appoint a time
 12 of hearing at the department and shall be mailed by certified or
 13 registered mail to the licensee. On the day of the hearing, the
 14 licensee may present ~~such~~ evidence to the director as he ~~deems~~
 15 ~~fit~~ **OR SHE CONSIDERS APPROPRIATE** regarding the violations
 16 charged, and **AFTER THE HEARING** the director shall ~~thereupon~~
 17 render a decision. ~~Any~~ **A** licensee who feels aggrieved at the
 18 decision of the director may appeal ~~from said~~ **THE** decision within
 19 10 days ~~by writ of certiorari~~ to the circuit court of the county
 20 where the licensee resides. The following reasons ~~shall be~~
 21 ~~construed as just~~ **ARE** cause for refusal ~~,~~ **TO ISSUE A LICENSE OR**
 22 **FOR THE** suspension or revocation of a license:

23 (a) ~~Where~~ **IF** the applicant or licensee has failed to pay in
 24 full ~~for~~ any amounts due on livestock purchased, or has violated
 25 the laws of the state or ~~official regulations~~ **RULES** promulgated
 26 by the director ~~or other competent authority~~ governing the
 27 interstate or intrastate movement, shipment, or transportation of

1 animals.

2 (b) ~~Where there have been~~ **IF THE APPLICANT OR LICENSEE HAS**
3 **MADE** false or misleading statements to the purchaser as to the
4 health or physical condition of the animal or animals with regard
5 to official tests, ownership, or quantity of animals or
6 ~~misrepresentation~~ **MISREPRESENTS** in connection therewith, or in
7 the buying or receiving of animals, or receiving, selling,
8 exchanging, soliciting, or negotiating sale, resale, exchange,
9 transport, transfer, weighing, or shipment of animals.

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

26 (d) ~~Where~~ **IF** the licensee fails to practice measures of
27 sanitation, disinfection, and **DEAD ANIMAL DISPOSAL AS REQUIRED IN**

1 1982 PA 239, MCL 287.651 TO 287.683, BODIES OF DEAD ANIMALS,
2 ANIMAL HANDLING, OR inspection as required by this act, of
3 RELATED TO THE premises or vehicles used for the stabling,
4 yarding, or transportation of animals.

5 (e) ~~Where~~ **IF** there has been a failure or refusal on the part
6 of the licensee, upon the request of the department, to produce
7 records of transactions in the carrying on of the business for
8 which such license is granted. **REQUIRED UNDER THIS ACT.**

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

22 Sec. 6. (1) Each dealer, broker, **LIVESTOCK TRUCKER**, or agent
23 leasing, renting, operating, or owning any livestock yards, pens,
24 premises, or vehicles in which animals are quartered, fed, held,
25 or transported shall keep ~~such~~ **THE** yards, premises, or vehicles
26 properly cleaned and disinfected **AND IN ADEQUATE REPAIR** as
27 prescribed by the department. **THE DIRECTOR MAY RESTRICT THE USE**

1 OF A LIVESTOCK AUCTION MARKET FACILITY, PORTION OF A FACILITY, OR
2 PERMITTED VEHICLE, TRAILER, OR CONVEYANCE UNTIL THE LICENSEE CAN
3 DEMONSTRATE THAT IT COMPLIES WITH CLEANING, DISINFECTING, AND
4 ADEQUATE REPAIR REQUIRED UNDER THIS ACT OR A RULE PROMULGATED
5 UNDER THIS ACT.

6 (2) THE APPLICATION FOR A VEHICLE PERMIT UNDER THIS SECTION
7 SHALL BE ON FORMS APPROVED BY THE DIRECTOR AND SHALL DEMONSTRATE
8 THAT THE APPLICANT MEETS REQUIREMENTS FOR REGISTRATION AND
9 VEHICLE LICENSING REQUIRED BY THIS STATE.

10 (3) A VEHICLE, TRAILER, OR OTHER CONVEYANCE PERMITTED UNDER
11 THIS ACT SHALL COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS FOR
12 TRANSPORT VEHICLES OR LIVESTOCK CONVEYANCES, AND SHALL BE
13 MAINTAINED TO ENSURE THE SAFETY AND WELFARE OF ANY ANIMALS THAT
14 ARE TRANSPORTED IN THE VEHICLE. THE OPERATOR OF THE PERMITTED
15 CONVEYANCE SHALL ALLOW INSPECTION OF THE CONVEYANCE AT ANY TIME
16 CONSIDERED REASONABLE BY THE DIRECTOR. THE DIRECTOR MAY REVOKE A
17 PERMIT OF AN INDIVIDUAL VEHICLE WITHOUT PRIOR NOTIFICATION FOR A
18 VIOLATION OF THIS SUBSECTION.

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

22 Sec. 7. (1) For the purpose of preventing the spread of
23 infection or communicable diseases of livestock, all animals
24 sold, transferred or exchanged from any yards or premises by any
25 dealer, broker, or agent as ~~designated in this act shall~~ **MAY** be
26 inspected by ~~a representative of the department.~~ **THE DIRECTOR.**
27 ~~The department shall~~ **DIRECTOR MAY** prescribe the proper tests or

1 treatment of any ~~such~~ animal sold when ~~such~~ tests or treatment
2 are ~~deemed~~ **CONSIDERED** necessary to prevent the spread of a
3 communicable disease **OR UNDUE SUFFERING** of livestock. ~~Such~~ **THE**
4 test or treatment shall be made by a veterinarian approved by the
5 ~~department,~~ **DIRECTOR**, and the **DIRECTOR MAY REQUIRE** fees for such
6 tests or treatment ~~shall~~ **TO** be paid by the dealer, broker,
7 **TRUCKER**, or agent.

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

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

25 (4) **THE DEPARTMENT MAY CONFER WITH THE LICENSEE OF A**
26 **LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION AND DEFINE**
27 **AN AREA SURROUNDING THE PREMISES THAT SHALL BE KNOWN AS THE**

1 MARKET ZONE OF THE PREMISES. ALL LIVESTOCK BROUGHT INTO THE
2 MARKET ZONE AND SOLD OR TRADED SHALL BE HANDLED AND SOLD THROUGH
3 THE LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION WITHIN
4 THE MARKET ZONE IN COMPLIANCE WITH STATE LAWS AND RULES.

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

13 (A) FLOORING MATERIALS AS APPROVED BY THE DIRECTOR SHALL BE
14 INSTALLED IN ALL PENS AND ALLEYS IN ALL LIVESTOCK AUCTION MARKETS
15 AND IN THE LOADING AND UNLOADING AREAS IMMEDIATELY ADJACENT TO
16 THE STRUCTURE.

17 (B) ALL PENS, ALLEYS, AND DOCK AREAS SHALL BE CONSTRUCTED TO
18 FACILITATE DRAINAGE. WATER SHALL NOT BE PERMITTED TO ACCUMULATE
19 IN PENS, ALLEYS, OR ON THE PREMISES, EXCEPT IN APPROVED LAGOONS.

20 (C) MANURE MAY BE STORED ON THE PREMISES OF A COLLECTION
21 POINT OR BUYING STATION AND SHALL BE DISPOSED OF ACCORDING TO THE
22 DEPARTMENT'S GENERALLY ACCEPTED AGRICULTURE AND MANAGEMENT
23 PRACTICES FOR MANURE MANAGEMENT ESTABLISHED UNDER THE MICHIGAN
24 RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474, OR AS
25 OTHERWISE REQUIRED BY THE DIRECTOR.

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

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

5 (F) ALL AUCTION RINGS, DOCKS, PENS, SCALES, AND ALLEYS USED
6 FOR HOLDING LIVESTOCK SHALL BE THOROUGHLY CLEANED AFTER EACH SALE
7 DAY AND BEFORE AGAIN BEING USED TO HOLD OR MOVE ANY LIVESTOCK. IN
8 ADDITION, AUCTION RINGS AND PENS USED TO HOLD ANIMALS WITH AN
9 INFECTIOUS OR CONTAGIOUS DISEASE SHALL ALSO BE THOROUGHLY
10 DISINFECTED WITH A DISINFECTANT APPROVED BY THE DIRECTOR AFTER
11 EACH SALE BEFORE BEING USED AGAIN.

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

16 (H) LIVESTOCK HOUSED FOR MORE THAN 24 HOURS SHALL BE ABLE TO
17 LIE DOWN, TURN AROUND, AND STAND COMFORTABLY. CATTLE UNDER 3
18 MONTHS OF AGE SHALL BE REMOVED FROM THE PREMISES BY NOON THE DAY
19 FOLLOWING THE SALE. RESPONSIBILITY FOR THE REMOVAL OF THE ANIMALS
20 SHALL BE ON THE PERSON WHO PURCHASED THE ANIMAL AT THE SALE.

21 (6) TRUCKS OR VEHICLES, AND TRANSPORTATION CAGES, USED BY
22 LIVESTOCK DEALERS, BROKERS, OR LIVESTOCK TRUCKERS FOR
23 TRANSPORTATION AND HANDLING OF LIVESTOCK SHALL BE PROPERLY
24 CONSTRUCTED TO ADEQUATELY PROTECT HANDLED LIVESTOCK FROM INJURY
25 AND UNDUE EXPOSURE TO INCLEMENT WEATHER AND SHALL BE REGULARLY
26 CLEANED AND DISINFECTED.

27 (7) ANIMALS UNDER QUARANTINE SHALL NOT BE SOLD THROUGH A

1 LIVESTOCK AUCTION MARKET UNLESS APPROVED BY THE DIRECTOR.

2 (8) A LICENSEE SHALL ASSURE THAT ALL PENS USED FOR
3 CONFINEMENT OF ANIMALS WITH A CONTAGIOUS OR INFECTIOUS DISEASE
4 ARE IN A LOCATION THAT PREVENTS CONTACT WITH HEALTHY ANIMALS. THE
5 PENS SHALL BE OF SMOOTH TIGHT SIDING CONSTRUCTION AND OF
6 SUFFICIENT HEIGHT THAT THEY WILL NOT PERMIT THE CONTACT OF ANY
7 OTHER LIVESTOCK. THE PENS SHALL BE DRAINED IN SUCH A MANNER AS TO
8 PREVENT CONTAMINATION OF THE ALLEY. PENS USED FOR LIVESTOCK
9 INFECTED WITH CONTAGIOUS OR INFECTIOUS DISEASES SHALL BE PROPERLY
10 IDENTIFIED AND SHALL NOT BE USED TO CONFINE ANY OTHER LIVESTOCK.

11 (9) EXCEPT UPON A PERMIT FROM THE DIRECTOR, SWINE SHALL NOT
12 BE SOLD OR REMOVED FROM A LIVESTOCK AUCTION, COLLECTION POINT, OR
13 BUYING STATION UNLESS IMMEDIATELY SLAUGHTERED OR DELIVERED
14 DIRECTLY TO A FACILITY WHERE STATE OR FEDERAL VETERINARY
15 INSPECTION IS MAINTAINED DAILY. SWINE SHALL NOT BE ALLOWED TO
16 CONTACT ANY SWINE NOT USED FOR IMMEDIATE SLAUGHTER OR DELIVERY AS
17 INDICATED IN THIS SECTION.

18 (10) HEALTHY SWINE NOT SUBJECT TO QUARANTINE THAT ARE WITHIN
19 THIS STATE AND HANDLED IN COMPLIANCE WITH DEPARTMENT RULES AND
20 STATE LAW MAY BE SOLD AND REMOVED FROM LIVESTOCK MARKET
21 FACILITIES REFERRED TO IN THIS SECTION FOR PURPOSES OTHER THAN
22 IMMEDIATE SLAUGHTER WHEN UNLOADED FROM VEHICLES AND DELIVERED
23 DIRECTLY TO VEHICLES IN WHICH THE SWINE ARE TRANSPORTED FROM THE
24 SALE PREMISES.

25 (11) AS USED IN THIS SECTION, "IMMEDIATE SLAUGHTER" MEANS
26 KILLED OR DELIVERED AT AN INSPECTED FACILITY WITHIN 72 HOURS
27 FOLLOWING REMOVAL FROM THE LIVESTOCK AUCTION, COLLECTION POINT,

1 OR BUYING STATION.

2 SEC. 7A. (1) A LICENSEE SHALL NOT TRANSPORT NONAMBULATORY
3 LIVESTOCK TO A LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING
4 STATION. LIVESTOCK THAT BECOME NONAMBULATORY IN TRANSPORT, OR
5 WHILE PRESENT AT A LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING
6 STATION, SHALL BE HUMANELY EUTHANIZED, AND THE DEAD ANIMAL
7 DISPOSED OF AS REQUIRED IN SUBSECTION (4) OR BE HUMANELY MOVED
8 AND PHYSICALLY SEPARATED FROM OTHER LIVESTOCK.

9 (2) A LICENSEE SHALL ASSURE THAT NONAMBULATORY LIVESTOCK ARE
10 NOT DRAGGED, PULLED, PUSHED, ROLLED, OR OTHERWISE MOVED EXCEPT AS
11 PASSIVE PASSENGERS ON OR IN SLINGS, MATS, FLOATS, CARTS, PALLETS,
12 OR CONTAINERS, OR AS DIRECTLY NECESSARY TO FACILITATE THE USE OF
13 THESE DEVICES. WHEN MOVED BY THESE DEVICES, THE MOTIVE FORCE
14 SHALL BE ATTACHED TO THE DEVICE, NOT THE LIVESTOCK. NONAMBULATORY
15 LIVESTOCK MOVED AS PROVIDED IN THIS SUBSECTION SHALL RECEIVE
16 APPROPRIATE VETERINARY CARE.

17 (3) THE DIRECTOR MAY REQUIRE A LICENSEE TO ADHERE TO
18 SPECIFIC METHODS OF EUTHANASIA TO ENSURE THE WELFARE OF THE
19 ANIMAL DURING THE EUTHANASIA PROCESS.

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

23 Sec. 8. (1) ~~The department or any of the duly authorized~~
24 ~~agents shall have authority to~~ DIRECTOR MAY inspect the records
25 of any licensee at any time to determine the origin and
26 destination of any livestock handled by the licensee and to
27 determine if any provisions of this act or the rules ~~and~~

1 ~~regulations promulgated hereunder~~ UNDER THIS ACT, OR REQUIREMENTS
2 FOR IMPORTATION OF ANIMALS, OR MOVEMENT OF ANIMALS WITHIN THE
3 STATE, have been violated.

4 (2) EACH PERSON LICENSED UNDER THIS ACT SHALL KEEP THE
5 FOLLOWING RECORDS, FOR A MINIMUM OF 5 YEARS, ON EACH ANIMAL
6 BOUGHT, RECEIVED, SOLD, EXCHANGED, TRANSPORTED, RESOLD, OR
7 TRANSFERRED:

8 (A) THE IDENTITY OF EACH ANIMAL INCLUDING SPECIES, BREED,
9 AGE, AND GENDER.

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

12 (C) RECORDS OF ALL REQUIRED TESTS, TREATMENTS, MOVEMENT
13 CERTIFICATES, AND PERMITS.

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

17 (3) IN ADDITION TO THE RECORDS DESCRIBED IN SUBSECTION (2),
18 A LICENSEE SHALL KEEP THE FOLLOWING RECORDS OF EACH ANIMAL
19 BOUGHT, RECEIVED, SOLD, EXCHANGED, TRANSPORTED, RESOLD, OR
20 TRANSFERRED:

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

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

26 (4) ANIMALS, AS DETERMINED BY THE DIRECTOR, AT A LICENSED
27 LIVESTOCK AUCTION, COLLECTION POINT, OR BUYING STATION CONSIGNED

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

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

23 (1) A PERSON THAT VIOLATES SECTION 2 MAY BE ORDERED TO PAY A
24 CIVIL FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$1,000.00. EACH
25 DAY OF CONTINUING VIOLATION IS A SEPARATE VIOLATION. HOWEVER, A
26 PERSON SHALL NOT BE SUBJECT TO A CIVIL FINE TOTALING MORE THAN
27 \$25,000.00.

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

7 (3) A PERSON THAT VIOLATES THIS ACT IS GUILTY OF A
8 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
9 OR A FINE OF NOT LESS THAN \$300.00 OR NOT MORE THAN \$1,000.00, OR
10 BOTH.

11 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1), THE
12 DIRECTOR, UPON FINDING THAT A PERSON HAS VIOLATED THIS ACT OR A
13 RULE PROMULGATED UNDER THIS ACT, MAY DO ANY OF THE FOLLOWING:

14 (A) ISSUE A WARNING.

15 (B) IMMEDIATELY SUMMARILY SUSPEND USE OF EQUIPMENT, VEHICLE,
16 OR FACILITY WITH THE OPPORTUNITY FOR A HEARING UNDER THE
17 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
18 24.328.

19 (C) IMPOSE AN ADMINISTRATIVE FINE OF NOT MORE THAN \$1,000.00
20 FOR EACH VIOLATION AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING
21 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
22 306, MCL 24.201 TO 24.328.

23 (D) ISSUE AN APPEARANCE TICKET AS DESCRIBED AND AUTHORIZED
24 BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF CRIMINAL
25 PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, FOR A VIOLATION OF
26 SUBSECTION (3).

27 (5) THE REMEDIES AND SANCTIONS UNDER THIS ACT ARE

1 INDEPENDENT AND CUMULATIVE. THE USE OF A REMEDY OR SANCTION UNDER
2 THIS ACT DOES NOT BAR OTHER LAWFUL REMEDIES AND SANCTIONS AND
3 DOES NOT LIMIT CRIMINAL OR CIVIL LIABILITY. THE DEPARTMENT MAY
4 BRING AN ACTION 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.