

CERTIFICATION OF SEED (EXCERPT)
Act 221 of 1959

286.73 Official seed certifying agencies; designation; fees; liability.

Sec. 3.

(1) The director of the department of agriculture shall, after consultation with the dean of agriculture of Michigan state university and the director of the Michigan agricultural experiment station, and after due notice and public hearing, designate official seed certifying agencies that he or she finds qualified to assist and advise him or her in carrying out this act in order to advise as to variety, type, strain, or other genetic characteristics and to recommend standards for agricultural or vegetable seeds or plant propagating materials to be certified and the labeling of the seeds. The director of the department of agriculture shall authorize the designated official seed certifying agencies to charge a fee commensurate with the cost of the seed certification function.

(2) Except as otherwise provided in subsection (3), a person shall not have a cause of action against a designated official seed certifying agency or its agent or employee if the designated seed certifying agency or its agent or employee is engaged in duties permitted by this act and utilizes written and approved procedures and protocols established by the director of the department of agriculture.

(3) A designated official seed certifying agency or its agent or employee is liable for injuries to persons and damages to property under 1 or more of the following circumstances:

(a) The designated official seed certifying agency or its agent or employee failed to follow written procedures and protocols.

(b) The designated seed certifying agency or its agent or employee improperly interpreted the laboratory test results even though the written procedures and protocols were followed.

(c) The actions taken by the designated official seed certifying agency or its agent or employee were not within the scope of its official duties.

History: 1959, Act 221, Eff. Mar. 19, 1960 ;-- Am. 1974, Act 94, Imd. Eff. Apr. 25, 1974 ;-- Am. 1995, Act 66, Imd. Eff. May 31, 1995