

LICENSING LIVESTOCK DEALERS (EXCERPT)
Act 284 of 1937

287.131 Violation of certain sections or act; penalty; action by attorney general.

Sec. 11.

(1) A person that violates section 2 may be ordered to pay a civil fine of not less than \$100.00 or more than \$1,000.00. Each day of continuing violation is a separate violation. However, a person shall not be subject to a civil fine totaling more than \$25,000.00.

(2) The court may allow the department to recover reasonable costs and attorney fees incurred in an action resulting in the imposition of a civil fine under subsection (1). Costs assessed and recovered under this subsection shall be paid to the state treasury and credited to the department for the enforcement of this act.

(3) Except as otherwise provided in subsection (1), the director, upon finding that a person has violated this act or a rule promulgated under this act, may do any of the following:

(a) Issue a warning.

(b) Immediately summarily suspend use of equipment, a vehicle, or a facility with the opportunity for a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) Impose an administrative fine of not more than \$1,000.00 for each violation after notice and an opportunity for a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(d) Issue an appearance ticket as described and authorized by sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g, for a violation of subsection (4).

(4) A person that violates this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$300.00 or not more than \$1,000.00, or both.

(5) The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act does not bar other lawful remedies and sanctions and does not limit criminal or civil liability.

Notwithstanding any other provision of this act, the department may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

(6) The director shall advise the attorney general of the failure of any person to pay an administrative or civil fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine and costs and fees, including attorney fees. Civil fines and administrative fines collected shall be paid to the state treasury and credited to the department for the enforcement of this act.

History: 1937, Act 284, Imd. Eff. July 23, 1937 ;-- CL 1948, 287.131 ;-- Am. 2012, Act 317, Imd. Eff. Oct. 1, 2012