

Act No. 317
Public Acts of 2012
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STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

Introduced by Reps. Glardon, Daley and Potvin

ENROLLED HOUSE BILL No. 5784

AN ACT 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:

Sec. 1. As used in this act:

(a) “Agent” means a person that buys, receives, sells, exchanges, negotiates, or solicits the sale, resale, exchange, or transfer of 1 or more animals for or on behalf of another person.

(b) “Animals” or “livestock” includes horses, ponies, mules, cattle, calves, swine, sheep, poultry, privately owned cervids, ratites, aquaculture species, and goats.

(c) “Aquaculture species” means aquatic animal organisms, including, but not limited to, fish, crustaceans, mollusks, reptiles, or amphibians, reared or cultured under controlled conditions for commercial aquaculture or the pet trade. Aquaculture species does not include aquatic animal organisms under the authority of the department of natural resources.

(d) “Buying station” means a facility or location where livestock are congregated and purchased by the owner or agent of the facility or location for movement or sale. Buying station does not include a livestock auction.

(e) “Collection point” means a facility or location where livestock are congregated by the owner or agent of the facility or location for transfer or movement. Collection point does not include a livestock auction.

(f) “Consignment sale” means a sale in which livestock are transferred to an agent for sale, but ownership is retained until the animals are sold.

(g) “Dealer” or “broker” means a person that, as a principal or agent, engages in the business of buying, receiving, selling, exchanging, buying for slaughter, negotiating, or soliciting sale, resale, exchange, transportation, or transfer of animals. Dealer or broker does not include any of the following:

(i) A railroad or airline transporting animals either interstate or intrastate.

(ii) A person that, by dispersal sale, is permanently discontinuing the business of farming, dairying, breeding, or feeding animals.

(iii) A person that sells livestock that have been raised on the premises of the person.

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

(v) A person with respect to that part of his or her business that consists of buying or receiving animals for breeding, grazing, and feeding purposes and the sale or disposal of the animals after the feeding or grazing period of not less than 21 days.

(vi) Occasionally held consignment sales sponsored and conducted by a breed association, 4-H, or F.F.A. group, county fair, or youth fair.

(vii) Other persons subject to exemptions approved by the director.

(h) "Department" means the department of agriculture and rural development.

(i) "Director" means the director of the department or his or her authorized representative.

(j) "Licensee" means a person holding a license issued under this act.

(k) "Livestock auction" means a livestock congregation point where livestock are accepted on consignment and the auction method is used in the marketing of livestock. Livestock auction does not include a public auction of farm goods.

(l) "Livestock trucker" means a person, not otherwise licensed under this act, that engages in the business of transporting livestock not owned by the person, or the person's employer, from 1 premises to another. A person is not a livestock trucker solely because the person is engaged in 1 or more of the following activities:

(i) Hauling livestock on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event, or similar activity.

(ii) Hauling livestock on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, which is operated by that person and which does not ordinarily involve the sale of livestock.

(iii) Hauling livestock for another person fewer than 6 times within the preceding 12 months.

(m) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(n) "Weighmaster" means a person registered under this act that weighs livestock at a livestock auction licensed under this act.

Sec. 2. A dealer, broker, agent, or livestock trucker shall not engage in or carry on the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of any animals within the state unless the person is licensed as provided in this act. A dealer, broker, agent, or livestock trucker is responsible for acts performed or contracts made by any person employed by the dealer, broker, agent, or livestock trucker in buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of livestock.

Sec. 3. (1) A person desiring to obtain a license under this act to act as a dealer, broker, agent, or livestock trucker, or to operate a livestock auction, buying station, or collection point shall submit to the department an application for a license. The application shall state the nature of the business, the post office address of the applicant, the post office address at or from which the business is to be conducted, and any additional contact information. If the applicant desires to operate a livestock yard where livestock are kept and sold at public or private sale, the application shall include that information. The application shall include additional information as requested by the director.

(2) Except as otherwise provided in this section, until September 30, 2015, the department shall charge the following nonrefundable fees for initial and renewal license applications:

- (a) Class I (livestock auction operator) \$400.00.
- (b) Class II (buying station operator)..... \$250.00.
- (c) Class III (dealer/broker/agent/collection point operator)..... \$50.00.
- (d) Class IV (livestock trucker) \$25.00.

(3) Each class of license listed in subsection (2) allows a person to operate at all classes listed below that class without requiring additional licensing. The licensee shall provide to the department a list of all individuals employed by and operating in license classes under his or her license.

(4) For each renewal application postmarked or delivered after October 1 of each year, a late fee of an additional \$10.00 shall be imposed for each business day the application is late. The late fee for a new application submitted after a person is operating as a class I, II, III, or IV operation as described in subsection (2) shall be an additional \$10.00 per business day the application is late. However, the total late fee shall not exceed \$100.00.

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

(6) A licensee who buys or sells livestock by weight shall employ a weighmaster to do all of the weighing. The duties, qualifications, and requirements for registration of weighmasters shall be established by the department by rule promulgated under section 9.

(7) The department shall issue an initial or renewal license under this section not later than 60 days after the applicant submits a completed application. Receipt of the application is considered the date the application is received by the department. If the application is considered incomplete by the department, the department shall notify the applicant in writing or electronically, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 60-day period is tolled upon notification by the department of a deficiency until the date the requested information is received by the department. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license.

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

(9) The application for a license or the renewal of a license, and proof of bonding or other security requirements, shall be submitted to the director on or before October 1 of each year. Each license issued under this section shall be for a period of 1 year commencing October 1 and ending the following September 30.

(10) Each person operating a livestock auction or buying station shall file with his or her application for a license a surety bond effective during the period for which the license is issued or other security. A surety bond shall be issued by a surety company registered in this state to indemnify persons from whom livestock is purchased or for whom livestock is sold. The surety bond or other security shall be in such amounts, form, and sufficiency as approved by the director. The amount of the bond or other security shall be equal to the amount of gross dollar volume of livestock business conducted during the average week of the previous licensing year by the applicant, but shall not be less than \$1,500.00. If the average gross weekly livestock business conducted by the applicant during the previous licensing year was greater than \$25,000.00, the bond shall be increased above \$25,000.00, at the rate of \$1,000.00 for each \$5,000.00 or part thereof above \$25,000.00 of average gross dollar volume of weekly livestock business conducted during the previous year. A licensee who owns or operates more than 1 livestock auction or buying station may file 1 bond in an amount determined by the formula described in this subsection. A licensee operating a livestock auction or buying station who has filed a surety bond for the livestock auction or buying station and indemnifies persons from whom livestock is purchased or for whom livestock is sold in accordance with the terms of any federal act is exempt from the bonding requirements of this subsection if the bond is equivalent in amount to that which would be required by this act. The bond shall be for a licensee in which the department is the obligee for the benefit and purpose of protecting all persons selling or consigning livestock to the licensee against the licensee's failure to pay amounts due on livestock purchased by or consigned to them.

(11) Each licensee shall keep records and shall furnish, upon request, information concerning his or her purchases and sales as may be required by the director for the purpose of establishing the amount of bond required under subsection (10). The director, in establishing the amount of the bond, shall take into consideration the dollar volume of livestock business and other information furnished by the licensee. If a licensee did not operate a livestock auction the previous licensing year, the bond shall be for an amount established by the director after consideration of all information available on the probable weekly gross dollar volume of business to be conducted by the licensee during the licensing year.

(12) If during any licensing year the bond filed by a licensee becomes less than required by this act because of an increase in gross dollar volume of livestock sales, or because of a claim outside this state, the director may issue an order requiring the licensee to file an additional bond to cover the increase in gross dollar volume of livestock sales. Failure to comply with the orders of the director is grounds for suspension or revocation of license. A bond or other security shall be conditioned upon the faithful performance of the licensee's duties as a dealer or broker and on the provisions of law relating to the purchase of livestock by the licensee and for the payment by the licensee of all livestock purchased by or consigned to the licensee as a dealer or broker in livestock. If a bond or other security required under this act is canceled, the license that is approved under that bond or other security is considered immediately suspended without notice. An opportunity for a hearing shall be provided to the licensee under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(13) A licensee bonded as required under this act shall submit a notice to the department not later than 60 days prior to canceling a bond.

(14) A license issued under this section allows the holder to conduct the business of dealer or broker at or from the place named in the application. A person engaged in the business of transporting livestock or negotiating or soliciting the transportation or transfer of livestock that is not engaged in the buying, selling, reselling, exchanging, negotiating, or soliciting the sale, resale, or exchange of livestock shall obtain a license under this section but is not required to comply with bonding or other security provisions of this section.

(15) A dealer, broker, livestock trucker, or agent shall notify the director of a change of address within 5 days after that change.

(16) Any change in ownership of a livestock auction shall be reported to the director within 5 days by the licensee. Each dealer or broker shall file with the director on January 1 of each year a sworn statement of average weekly sales and a statement showing the number and species of livestock purchased and sold during the previous year.

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

(18) Notwithstanding any other provision of this section, the department shall waive any fee otherwise required under subsection (2)(c) and (d) 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.

Sec. 3a. Each licensee operating a livestock auction or buying station, in addition to providing a bond as required by this act, shall maintain a "producers' proceeds account". Within 7 calendar days following each livestock auction, the licensee shall deposit in the producers' proceeds account funds equal to the total amount of money due the livestock sellers or consignors of livestock sold or consigned through the livestock auction. Failure to make such deposits in their entirety is a violation of this section. The director shall audit from time to time the producers' proceeds account and ascertain whether the provisions of this section are being complied with. All records of the licensee shall be made available to the director for the purposes of auditing the account. The entire sale price of livestock sold through the auction less commissions, handling charges, service fees and other accepted charges shall be placed in the producers' proceeds account and shall be used to pay the seller or consignor for the livestock and for no other purpose. A record of the commissions, handling charges, service fees and other charges shall be maintained by the licensee and shall be provided to the seller or consignor of the livestock at the completion of the sale.

Sec. 4. If a person fails or refuses to comply with this act, the department may refuse to issue a license or may suspend or revoke the license held by the licensee. Before refusing, suspending, or revoking the license, the department shall give written notice of a hearing to be had thereon to the licensee affected. The notice shall appoint a time of hearing at the department and shall be mailed by certified or registered mail to the licensee. On the day of the hearing, the licensee may present evidence to the director as he or she considers appropriate regarding the violations charged, and after the hearing the director shall render a decision. A licensee who feels aggrieved at the decision of the director may appeal the decision within 10 days to the circuit court of the county where the licensee resides. The following reasons are cause for refusal to issue a license or for the suspension or revocation of a license:

(a) The applicant or licensee has failed to pay in full any amounts due on livestock purchased, or has violated the laws of the state or rules promulgated by the director governing the interstate or intrastate movement, shipment, or transportation of animals.

(b) There have been intentionally false or misleading statements to the purchaser concerning the identity or the physical condition of an animal, any test intended to establish the health status of an animal; or as to the ownership of an animal, the quantity of animals, or other matter in connection with the buying, receiving, selling, exchanging, soliciting, or negotiating the sale, resale, exchange, transport, transfer, weighing, or shipment of animals.

(c) The licensee has engaged in buying or receiving animals, or receiving, exchanging, soliciting, or negotiating the sale, resale, exchange, transport, or transfer of animals that do not comply with official identification, testing, permitting, or intrastate or interstate animal movement requirements under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

(d) The licensee has failed to practice measures of sanitation, disinfection, dead animal disposal as required in 1982 PA 239, MCL 287.651 to 287.683, bodies of dead animals, animal handling, or inspection as required by this act, related to the premises or vehicles used for the stabling or transportation of animals.

(e) There has been a failure or refusal on the part of the licensee, upon the request of the department, to produce records required under this act.

Sec. 5. Every dealer, broker, livestock trucker, or agent licensed under this act and carrying on or conducting business under the license shall at all times keep in or at the place of business or in each vehicle used by the licensee for the purpose of transporting livestock a copy of the license for inspection by any representative of the department, sheriff, undersheriff, deputy sheriff, state police or any other law enforcing agency. Each person licensed under this act that utilizes a vehicle, trailer, or other conveyance for the purpose of transporting livestock shall place and visibly maintain the required vehicle permit on the upper forward corner of the left side of the vehicle, trailer, or other conveyance.

Sec. 6. (1) Each dealer, broker, livestock trucker, or agent leasing, renting, operating, or owning any livestock yards, pens, premises, or vehicles in which animals are quartered, fed, held, or transported shall keep the yards, premises, or vehicles properly cleaned, disinfected, and in adequate repair as prescribed by the department. The director may restrict the use of a licensed livestock auction facility, portion of a facility, or permitted vehicle, trailer, or conveyance

until the licensee can demonstrate that it complies with cleaning, disinfecting, and adequate repair requirements under this act or a rule promulgated under this act.

(2) The application for a vehicle permit under this section shall be on forms approved by the director and shall demonstrate that the applicant meets requirements for registration and vehicle licensing required by this state.

(3) A vehicle, trailer, or other conveyance permitted under this act shall comply with all state and federal requirements for transport vehicles or livestock conveyances, and shall be maintained to ensure the safety and welfare of any animals that are transported in the vehicle. The operator of the permitted conveyance shall allow inspection of the conveyance during normal business hours and when operating, or at any reasonable time agreed upon by the licensee and the director. The director may revoke the permit for an individual vehicle without prior notification for a violation of this subsection.

(4) A licensee shall obtain and maintain during transport any official health certificates, movement permits, or testing forms required by state or federal law.

Sec. 7. (1) For the purpose of preventing the spread of infection or communicable diseases of livestock, all animals sold, transferred, or exchanged from any yards or premises by any dealer, broker, or agent may be inspected by the director. The director may prescribe the proper tests or treatment of any animal when tests or treatment are considered necessary to prevent the spread of a communicable disease or undue suffering of livestock. The test or treatment shall be made by a veterinarian approved by the director, and the director may require fees for the test or treatment to be paid by the dealer, broker, livestock trucker, or agent.

(2) A dealer, broker, agent, livestock trucker, or owner of an animal shall not under an assumed or fictitious name sell or offer for sale the animal or make any false or misleading statements as to the identity or the physical condition of the animal or with regard to any test that is supposed to establish the health status of the animal offered for sale or sold.

(3) Animals that enter a livestock auction, collection point, or buying station, licensed under this act, are considered to have moved from 1 premises to another within this state. The livestock auction, collection point, or buying station is considered the immediate point of destination of the animals and the licensee is responsible for ensuring that requirements for any necessary official identification, permitting, testing, or certification as required under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746, are met prior to allowing animals to be unloaded from the conveyance vehicle.

(4) The department may confer with the licensee of a livestock auction, collection point, or buying station that is to be used by the licensee for the purpose of selling, trading, or delivering livestock and define an area surrounding the premises that shall be known as the market zone of the premises. All livestock brought into the market zone and sold or traded shall be handled and sold through the livestock auction or buying station within the market zone in compliance with state laws and rules.

(5) A licensee of a livestock auction, collection point, or buying station shall ensure that pens and buildings are available to protect livestock handled from injury and inclement weather. The pens and buildings shall be of such construction as will facilitate cleaning and disinfection and shall be regularly cleaned and disinfected and kept free of mud and accumulations of manure and filth. A licensee shall ensure that all of the following are complied with:

(a) Flooring materials that are appropriate for the health and safety of livestock shall be installed in all pens and alleys in all licensed livestock auctions and in the loading and unloading areas immediately adjacent to the structure.

(b) All pens, alleys, and dock areas shall be constructed to facilitate drainage. Water shall not be permitted to accumulate in pens, alleys, or the loading and unloading areas, except in approved lagoons.

(c) Manure may be stored on the premises of any licensed livestock auction and shall be disposed of according to normal agricultural practices, or as otherwise required by the director.

(d) The walls of all primary animal enclosures shall be kept clean and free of accumulations of filth.

(e) The area in front of the unloading dock, for a distance of 15 feet, shall be of concrete or impervious material so as to facilitate the cleaning of manure and debris from the unloading trucks.

(f) All auction rings, docks, pens, scales, and alleys used for holding livestock shall be thoroughly cleaned after each sale day. In addition, auction rings and pens used to hold animals with an infectious or contagious disease shall also be thoroughly disinfected with a disinfectant approved by the director after each sale before being used again.

(g) Water shall be offered at least every 12 hours, or as needed in inclement weather. If an animal is to be housed for more than 24 hours, feed must be offered at least once a day, or as appropriate for species and age of the animal.

(h) Livestock housed for more than 24 hours shall be able to lie down, turn around, and stand in accordance with normal agricultural management practices. A person who purchases cattle under 3 months of age shall remove the cattle from the premises by noon the day following the sale.

(6) Trucks or vehicles, and transportation cages, used by livestock dealers, brokers, or livestock truckers for transportation and handling of livestock shall be properly constructed to adequately protect handled livestock from injury and undue exposure to inclement weather and shall be regularly cleaned and disinfected.

(7) Animals under quarantine shall not be sold through a livestock auction unless approved by the director.

(8) A licensee shall ensure that all pens used for confinement of animals with a contagious or infectious disease are in a location that prevents contact with healthy animals. The pens shall be of smooth tight siding construction and of sufficient height that they will not permit the contact of any other livestock. The pens shall be drained in such a manner as to prevent contamination of the alley. Pens used for livestock infected with contagious or infectious diseases shall be properly identified and shall not be used to confine any other livestock.

(9) Except upon a permit from the director, swine shall not be sold or removed from a livestock auction, collection point, or buying station except for immediate slaughter. Swine shall not be allowed to contact any swine not used for immediate slaughter or delivery as indicated in this section.

(10) Healthy swine not subject to quarantine that are within this state and handled in compliance with department rules and state law may be sold and removed from livestock auction facilities referred to in this section for purposes other than immediate slaughter when unloaded from vehicles and delivered directly to vehicles in which the swine are transported from the sale premises.

(11) As used in this section, "immediate slaughter" means killed or delivered to a licensed livestock facility, where state or federal veterinary inspection is maintained daily, within 72 hours following removal from the livestock auction, collection point, or buying station.

Sec. 7a. (1) A licensee shall not transport nonambulatory livestock to a livestock auction, collection point, or buying station. Livestock that become nonambulatory in transport, or while present at a livestock auction, collection point, or buying station shall be humanely euthanized, and the dead animal disposed of as required in subsection (4) or be humanely moved or physically separated from other livestock.

(2) A licensee shall ensure that nonambulatory livestock are not dragged, pulled, pushed, rolled, or otherwise moved except as passive passengers on or in slings, mats, floats, carts, pallets, or containers, or as directly necessary to facilitate the use of these devices. When moved by these devices, the motive force shall be attached to the device, not the livestock. Nonambulatory animals that are not immediately euthanized shall be managed as provided in this section and shall receive appropriate veterinary care.

(3) The director may require a licensee to adhere to specific methods of euthanasia to ensure the welfare of the animal during the euthanasia process.

(4) A licensee shall dispose of any dead animals as defined in 1982 PA 239, MCL 287.651 to 287.683, in the manner required in that act.

Sec. 8. (1) The director may inspect the records of any licensee at any time to determine the origin and destination of any livestock handled by the licensee and to determine if any provisions of this act or the rules promulgated under this act, or requirements for importation of animals, or movement of animals within the state, have been violated.

(2) Each person licensed under this act shall keep the following records, for a minimum of 5 years, on each animal bought, received, sold, exchanged, transported, resold, or transferred:

(a) The identity of each animal, including all of the following:

(i) Species.

(ii) Breed or physical description.

(iii) Age or type.

(iv) Gender.

(b) The date and source of each animal, including complete name and address of the person from whom the animal is acquired.

(c) Records of all required tests, treatments, movement certificates, and permits.

(d) The date and place of disposition of each animal including the complete name and address of the destination and the name of the person receiving the animal.

(3) In addition to the records described in subsection (2), a person licensed to operate a livestock auction, buying station, or collection point shall keep the following records of each animal bought, received, sold, exchanged, transported, resold, or transferred:

(a) The official identification of each animal recorded by official eartag, official breed registry tattoo, or official backtag number.

(b) If an animal is sold by weight, the official weight of the animal.

(4) Animals, as determined by the director, at a licensed livestock auction, collection point, or buying station consigned for slaughter, or that do not meet intrastate testing requirements for movement from 1 premises to another, shall be sold for slaughter only and shall be moved directly to slaughter. A person operating a livestock auction or buying station shall not sell livestock to a buyer of animals not meeting intrastate testing requirements for movement from 1 premises

to another unless the buyer certifies in a signed statement that the animals removed from the premises shall be moved directly to a slaughter establishment and slaughtered within 5 days after movement. A licensee shall not allow animals to be removed from a livestock auction, collection point, or buying station premises until the buyer provides the slaughter destination information for each animal being removed from the premises.

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.

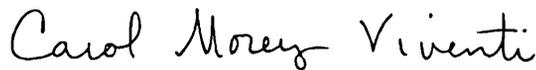
(b) Obtain an injunction against a person who is engaging, or about to engage, in a method, act, or practice that violates this act.

(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.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor