

HOUSE BILL No. 5225

December 13, 2011, Introduced by Rep. Opsommer and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 2, 5a, and 5d (MCL 28.422, 28.425a, and 28.425d), section 2 as amended by 2010 PA 20, section 5a as added by 2000 PA 381, and section 5d as amended by 2002 PA 719, and by adding section 12c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. (1) Except as otherwise provided in this section, a

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1 person shall not purchase, carry, possess, or transport a pistol in
2 this state without first having obtained a license for the pistol
3 as prescribed in this section.

4 (2) A person who brings a pistol into this state who is on
5 leave from active duty with the armed forces of the United States
6 or who has been discharged from active duty with the armed forces
7 of the United States shall obtain a license for the pistol within
8 30 days after his or her arrival in this state.

9 (3) The commissioner or chief of police of a city, township,
10 or village police department that issues licenses to purchase,
11 carry, possess, or transport pistols, or his or her duly authorized
12 deputy, or the sheriff or his or her duly authorized deputy, in the
13 parts of a county not included within a city, township, or village
14 having an organized police department, in discharging the duty to
15 issue licenses shall with due speed and diligence issue licenses to
16 purchase, carry, possess, or transport pistols to qualified
17 applicants residing within the city, village, township, or county,
18 as applicable unless he or she has probable cause to believe that
19 the applicant would be a threat to himself or herself or to other
20 individuals, or would commit an offense with the pistol that would
21 violate a law of this or another state or of the United States. An
22 applicant is qualified if all of the following circumstances exist:

23 (a) The person is not subject to an order or disposition for
24 which he or she has received notice and an opportunity for a
25 hearing, and which was entered into the law enforcement information
26 network pursuant to any of the following:

27 (i) Section 464a of the mental health code, 1974 PA 258, MCL

1 330.1464a.

2 (ii) Section 5107 of the estates and protected individuals
3 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
4 642.

5 (iii) Section 2950 of the revised judicature act of 1961, 1961
6 PA 236, MCL 600.2950.

7 (iv) Section 2950a of the revised judicature act of 1961, 1961
8 PA 236, MCL 600.2950a.

9 (v) Section 14 of 1846 RS 84, MCL 552.14.

10 (vi) Section 6b of chapter V of the code of criminal procedure,
11 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
12 section 6b(3) of chapter V of the code of criminal procedure, 1927
13 PA 175, MCL 765.6b.

14 (vii) Section 16b of chapter IX of the code of criminal
15 procedure, 1927 PA 175, MCL 769.16b.

16 (b) The person is 18 years of age or older or, if the seller
17 is licensed under 18 USC 923, is 21 years of age or older.

18 (c) The person is a citizen of the United States and is a
19 legal resident of this state. For the purposes of this section, a
20 person shall be considered a legal resident of this state if any of
21 the following apply:

22 (i) The person has a valid, lawfully obtained Michigan driver
23 license issued under the Michigan vehicle code, 1949 PA 300, MCL
24 257.1 to 257.923, or an official state personal identification card
25 issued under 1972 PA 222, MCL 28.291 to 28.300.

26 (ii) The person is lawfully registered to vote in this state.

27 (iii) The person is on active duty status with the United States

1 armed forces and is stationed outside of this state, but the
2 person's home of record is in this state.

3 (iv) The person is on active duty status with the United States
4 armed forces and is permanently stationed in this state, but the
5 person's home of record is in another state.

6 (d) A felony charge or a criminal charge listed in section 5b
7 against the person is not pending at the time of application.

8 (e) The person is not prohibited from possessing, using,
9 transporting, selling, purchasing, carrying, shipping, receiving,
10 or distributing a firearm under section 224f of the Michigan penal
11 code, 1931 PA 328, MCL 750.224f.

12 (f) The person has not been adjudged insane in this state or
13 elsewhere unless he or she has been adjudged restored to sanity by
14 court order.

15 (g) The person is not under an order of involuntary commitment
16 in an inpatient or outpatient setting due to mental illness.

17 (h) The person has not been adjudged legally incapacitated in
18 this state or elsewhere. This subdivision does not apply to a
19 person who has had his or her legal capacity restored by order of
20 the court.

21 (i) The person correctly answers 70% or more of the questions
22 on a basic pistol safety review questionnaire approved by the
23 department of state police and provided to the individual free of
24 charge by the licensing authority. If the person fails to correctly
25 answer 70% or more of the questions on the basic pistol safety
26 review questionnaire, the licensing authority shall inform the
27 person of the questions he or she answered incorrectly and allow

1 the person to attempt to complete another basic pistol safety
2 review questionnaire. The person shall not be allowed to attempt to
3 complete more than 2 basic pistol safety review questionnaires on
4 any single day. The licensing authority shall allow the person to
5 attempt to complete the questionnaire during normal business hours
6 on the day the person applies for his or her license. **IF AN**
7 **APPLICANT HAS MORE THAN 1 LICENSE APPLICATION PENDING UNDER THIS**
8 **SECTION, THE APPLICANT SHALL BE PERMITTED TO USE THE COMPLETION OF**
9 **A SINGLE BASIC PISTOL SAFETY REVIEW QUESTIONNAIRE FOR SATISFYING**
10 **THE REQUIREMENTS OF THIS SUBDIVISION FOR ALL PENDING APPLICATIONS.**
11 **THE REQUIREMENTS FOR ANSWERING A BASIC PISTOL SAFETY REVIEW**
12 **QUESTIONNAIRE UNDER THIS SUBDIVISION ARE WAIVED IF THE LICENSING**
13 **AUTHORITY FAILS OR IS UNABLE TO SUPPLY AND GRADE A QUESTIONNAIRE AT**
14 **THE TIME THE APPLICATION IS SUBMITTED. THE LICENSING AUTHORITY MAY**
15 **WAIVE THE REQUIREMENT FOR ANSWERING A PISTOL SAFETY REVIEW**
16 **QUESTIONNAIRE UNDER THIS SUBDIVISION.**

17 (4) Applications for licenses under this section shall be
18 signed by the applicant under oath upon forms provided by the
19 director of the department of state police. **THE APPLICATION IS NOT**
20 **REQUIRED TO BE NOTARIZED AND SHALL BE PROCESSED FREE OF CHARGE.**
21 Licenses to purchase, carry, possess, or transport pistols shall be
22 executed in quadruplicate upon forms provided by the director of
23 the department of state police and shall be signed by the licensing
24 authority. Four copies of the license shall be delivered to the
25 applicant by the licensing authority. A license **ISSUED ON OR AFTER**
26 **APRIL 1, 2012** is void unless used within ~~10~~30 days after the date
27 it is issued. **THE LICENSING AUTHORITY SHALL NOT REQUIRE OR REQUEST**

1 **THE RETURN OF ANY UNUSED LICENSE.**

2 (5) If an individual purchases or otherwise acquires a pistol,
3 the seller shall fill out the license forms describing the pistol,
4 together with the date of sale or acquisition, and sign his or her
5 name in ink indicating that the pistol was sold to or otherwise
6 acquired by the purchaser. The purchaser shall also sign his or her
7 name in ink indicating the purchase or other acquisition of the
8 pistol from the seller. The seller may retain a copy of the license
9 as a record of the transaction. The purchaser shall receive 3
10 copies of the license. The purchaser shall return 2 copies of the
11 license to the licensing authority within 10 days after the date
12 the pistol is purchased or acquired. The return of the copies to
13 the licensing authority may be made in person or may be made by
14 first-class mail or certified mail sent within the 10-day period to
15 the proper address of the licensing authority. A purchaser who
16 fails to comply with the requirements of this subsection is
17 responsible for a state civil infraction and may be fined not more
18 than \$250.00. If a purchaser is found responsible for a state civil
19 infraction under this subsection, the court shall notify the
20 department of state police of that determination.

21 (6) Within 48 hours after receiving the license copies
22 returned under subsection (5), the licensing authority shall
23 forward 1 copy of the license to the department of state police.
24 The licensing authority shall retain the other copy of the license
25 as an official record for not less than 6 years. Within 10 days
26 after receiving the license copies returned under subsection (5),
27 the licensing authority shall electronically enter the information

1 into the pistol entry database as required by the department of
2 state police if it has the ability to electronically enter that
3 information. If the licensing authority does not have that ability,
4 the licensing authority shall provide that information to the
5 department of state police in a manner otherwise required by the
6 department of state police. Any licensing authority that provided
7 pistol descriptions to the department of state police under former
8 section 9 of this act shall continue to provide pistol descriptions
9 to the department of state police under this subsection. The
10 purchaser has the right to obtain a copy of the information placed
11 in the pistol entry database under this subsection to verify the
12 accuracy of that information. The licensing authority may charge a
13 fee not to exceed \$1.00 for the cost of providing the copy. The
14 licensee may carry, use, possess, and transport the pistol for 30
15 days beginning on the date of purchase or acquisition only while he
16 or she is in possession of his or her copy of the license. However,
17 the person is not required to have the license in his or her
18 possession while carrying, using, possessing, or transporting the
19 pistol after this period.

20 (7) This section does not apply to the purchase of pistols
21 from wholesalers by dealers regularly engaged in the business of
22 selling pistols at retail, or to the sale, barter, or exchange of
23 pistols kept as relics or curios not made for modern ammunition or
24 permanently deactivated. This section does not prevent the transfer
25 of ownership of pistols that are inherited if the ~~license to~~
26 ~~purchase is approved by the commissioner or chief of police,~~
27 ~~sheriff, or their authorized deputies, and signed by the personal~~

~~representative of the estate or by the next of kin having authority to dispose of the pistol.~~ HEIR OR DEVISEE IS QUALIFIED TO OBTAIN A LICENSE UNDER THIS SECTION AND THE APPLICATION INCLUDES A NOTARIZED LETTER THAT IS SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE ESTATE PROVIDING FOR THE TRANSFER OF THE PISTOL TO THE APPLICANT. IN THE CASE OF A NONQUALIFYING HEIR OR DEVISEE, THE INDIVIDUAL HAS 1 YEAR FROM THE TIME OF DISQUALIFICATION TO AUTHORIZE ANOTHER HEIR OR DEVISEE WHO IS QUALIFIED TO OBTAIN A LICENSE UNDER THIS SECTION TO TAKE OWNERSHIP OF THE PISTOL UNDER THIS SUBSECTION. A PISTOL SHALL NOT BE SEIZED OR CONFISCATED BY THE LICENSING AUTHORITY OR ANY OTHER GOVERNMENTAL ENTITY IF AN HEIR OR DEVISEE IS NOT QUALIFIED FOR A LICENSE UNDER THIS SECTION, UNLESS THE ESTATE DOES NOT CHOOSE TO, OR IS UNABLE TO, RETAIN POSSESSION OF THE PISTOL. A LICENSING AUTHORITY OR OTHER GOVERNMENTAL ENTITY SHALL NOT SELL, DESTROY, OR OTHERWISE DISPOSE OF OR USE ANY PISTOL THAT COMES INTO ITS POSSESSION FOR AN ALLEGED VIOLATION OF THIS SUBSECTION UNTIL EXPIRATION OF 1 YEAR AFTER THE DATE THE PISTOL IS SEIZED WITHOUT AN OWNER SEEKING THE RETURN OF THE PISTOL. A PISTOL SHALL NOT BE SOLD, DESTROYED, OR OTHERWISE DISPOSED OF FOR AN ALLEGED VIOLATION OF THIS SUBSECTION IF ANY LEGAL ACTION REGARDING OWNERSHIP OF THE PISTOL HAS BEEN FILED IN ANY COURT AND IS PENDING. AS USED IN THIS SUBSECTION, "HEIR" MEANS THAT TERM AS DEFINED IN SECTION 1104 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.1104.

(8) An individual who is not a resident of this state is not required to obtain a license under this section if all of the following conditions apply:

1 (a) The individual is licensed in his or her state of
2 residence to purchase, carry, or transport a pistol.

3 (b) The individual is in possession of the license described
4 in subdivision (a).

5 (c) The individual is the owner of the pistol he or she
6 possesses, carries, or transports.

7 (d) The individual possesses the pistol for a lawful purpose
8 as that term is defined in section 231a of the Michigan penal code,
9 1931 PA 328, MCL 750.231a.

10 (e) The individual is in this state for a period of 180 days
11 or less and does not intend to establish residency in this state.

12 (9) An individual who is a nonresident of this state shall
13 present the license described in subsection (8)(a) upon the demand
14 of a police officer. An individual who violates this subsection is
15 guilty of a misdemeanor punishable by imprisonment for not more
16 than 90 days or a fine of not more than \$100.00, or both.

17 (10) The licensing authority may require a person claiming
18 active duty status with the United States armed forces to provide
19 proof of 1 or both of the following:

20 (a) The person's home of record.

21 (b) Permanent active duty assignment in this state.

22 (11) This section does not apply to a person who is younger
23 than the age required under subsection (3)(b) and who possesses a
24 pistol if all of the following conditions apply:

25 (a) The person is not otherwise prohibited from possessing
26 that pistol.

27 (b) The person is at a recognized target range **OR IS RECEIVING**

1 **INSTRUCTION IN THE SAFE USE OF A PISTOL.**

2 (c) The person possesses the pistol for the purpose of target
3 practice or instruction in the safe use of a pistol.

4 (d) The person's parent or guardian is physically present and
5 supervising the person.

6 (e) The owner of the pistol is physically present.

7 (12) This section does not apply to a person who possesses a
8 pistol if all of the following conditions apply:

9 (a) The person is not otherwise prohibited from possessing a
10 pistol.

11 (b) The person is at a recognized target range or shooting
12 facility.

13 (c) The person possesses the pistol for the purpose of target
14 practice or instruction in the safe use of a pistol **OR IS EXAMINING**
15 **THE PISTOL FOR POSSIBLE PURCHASE OR ANY OTHER REASON NOT EXPRESSLY**
16 **PROHIBITED BY LAW.**

17 (d) The owner of the pistol is physically present and
18 supervising the use **OR EXAMINATION** of the pistol.

19 (13) The licensing authority shall provide a basic pistol
20 safety brochure to each applicant for a license under this section
21 before the applicant answers the basic pistol safety review
22 questionnaire. A basic pistol safety brochure shall contain, but is
23 not limited to providing, information on all of the following
24 subjects:

25 (a) Rules for safe handling and use of pistols.

26 (b) Safe storage of pistols.

27 (c) Nomenclature and description of various types of pistols.

1 (d) The responsibilities of owning a pistol.

2 (14) The basic pistol safety brochure shall be supplied in
3 addition to the safety pamphlet required by section 9b.

4 (15) The basic pistol safety brochure required in subsection
5 (13) shall be produced by a national nonprofit membership
6 organization that provides voluntary pistol safety programs that
7 include training individuals in the safe handling and use of
8 pistols.

9 (16) A person who forges any matter on an application for a
10 license under this section is guilty of a felony, punishable by
11 imprisonment for not more than 4 years or a fine of not more than
12 \$2,000.00, or both.

13 (17) A licensing authority shall implement this section during
14 all of the licensing authority's normal business hours and shall
15 set hours for implementation that allow an applicant to use the
16 license within the time period set forth in subsection (4).

17 Sec. 5a. (1) Each county shall have a concealed weapon
18 licensing board. The concealed weapon licensing board of each
19 county shall have the following members:

20 (a) The county prosecuting attorney or his or her designee.
21 However, if the county prosecuting attorney decides that he or she
22 does not want to be a member of the concealed weapon licensing
23 board, he or she shall notify the county board of commissioners in
24 writing that he or she does not want to be a member of the
25 concealed weapon licensing board for the balance of his or her term
26 in office. The county board of commissioners shall then appoint a
27 replacement for the prosecuting attorney who is a firearms

1 instructor who has the qualifications prescribed in section
2 ~~5j(1)(e)~~. **5J.** The person who replaces the prosecuting attorney
3 shall serve on the concealed weapon licensing board in place of the
4 prosecuting attorney for the remaining term of the county
5 prosecuting attorney unless removed for cause by the county board
6 of commissioners. If a vacancy occurs on the concealed weapon
7 licensing board of the person appointed pursuant to this section
8 during the term of office of the county prosecuting attorney, the
9 county board of commissioners shall appoint a replacement person
10 who is a firearms instructor who has the qualifications prescribed
11 in section ~~5j(1)(e)~~. **5J.**

12 (b) The county sheriff or his or her designee.

13 (c) The director of the department of state police or his or
14 her designee.

15 (2) If a prosecuting attorney chooses not to be a member of
16 the concealed weapon licensing board, all of the following apply:

17 (a) The prosecuting attorney shall be notified of all
18 applications received by the concealed weapon licensing board.

19 (b) The prosecuting attorney shall be given an opportunity to
20 object to granting a license to carry a concealed pistol and
21 present evidence bearing directly on an applicant's suitability to
22 carry a concealed pistol safely.

23 (c) The prosecuting attorney shall disclose to the concealed
24 weapon licensing board any information of which he or she has
25 actual knowledge that bears directly on an applicant's suitability
26 to carry a concealed pistol safely.

27 (3) The county prosecuting attorney or his or her designee

1 shall serve as chairperson of the board unless the prosecuting
2 attorney does not want to be a member of the concealed weapon
3 licensing board, in which case the concealed weapon licensing board
4 shall elect its chairperson. Two members of the concealed weapon
5 licensing board constitute a quorum of the concealed weapon
6 licensing board. The business of the concealed weapon licensing
7 board shall be conducted by a majority vote of all of the members
8 of the concealed weapon licensing board.

9 (4) The county clerk shall serve as the clerk of the concealed
10 weapon licensing board.

11 (5) Except as otherwise provided in this act, the concealed
12 weapon licensing board has exclusive authority to issue, deny,
13 revoke, or suspend a license to carry a concealed pistol. The
14 concealed weapon licensing board shall perform other duties as
15 provided by law.

16 (6) The concealed weapon licensing board may convene not more
17 than 3 panels to assist the board in evaluating applicants. The
18 panels shall be composed of representatives as prescribed in
19 subsection (1). The panels do not have the authority to issue,
20 deny, revoke, or suspend a license.

21 (7) The concealed weapon licensing board may investigate the
22 applicant for a license to carry a concealed pistol. The
23 investigation shall be restricted to determining only whether the
24 applicant is eligible under this act to receive a license to carry
25 a concealed pistol, and the investigation regarding the issuance of
26 a license shall end after that determination is made. The concealed
27 weapon licensing board may require the applicant to appear before

1 the board at a mutually agreed-upon time for a conference. The
2 applicant's failure or refusal to appear without valid reason
3 before the concealed weapon licensing board as provided in this
4 subsection is grounds for the board to deny issuance of a license
5 to carry a concealed pistol to that applicant.

6 (8) IF THE CONCEALED WEAPON LICENSING BOARD RECEIVES ANY
7 INFORMATION THAT MAY RESULT IN AN APPLICATION BEING DENIED, THE
8 BOARD SHALL PROVIDE TO THE APPLICANT WRITTEN NOTICE THAT THE
9 INFORMATION HAS BEEN RECEIVED AND MAY BE CONSIDERED FOR DENIAL. THE
10 NOTICE SHALL INCLUDE A COPY OF THE INFORMATION PROVIDED TO THE
11 CONCEALED WEAPONS LICENSING BOARD IF THAT INFORMATION CAN BE
12 REPRODUCED, UNLESS THE REPRODUCTION OR DISCLOSURE OF THAT
13 INFORMATION IS EXPRESSLY PROHIBITED BY FEDERAL LAW. THE CONCEALED
14 WEAPON LICENSING BOARD SHALL PROVIDE THE APPLICANT WITH A
15 REASONABLE OPPORTUNITY TO APPEAR BEFORE THE BOARD TO ADDRESS THAT
16 INFORMATION BEFORE ANY DECISION IS MADE BY THE BOARD BASED ON THAT
17 INFORMATION.

18 (9) ~~(8)~~—If the concealed weapon licensing board determines
19 there is probable cause to believe the safety of the applicant or
20 the safety of a member of the applicant's family is endangered by
21 the applicant's inability to immediately obtain a license to carry
22 a concealed pistol, the concealed weapon licensing board may,
23 pending issuance of a license, issue a temporary license to the
24 individual to carry a concealed pistol. A temporary license shall
25 be on a form provided by the department of state police. A
26 temporary license shall be unrestricted and shall be valid for not
27 more than 180 days. A temporary license may be renewed for 1

1 additional period of not more than 180 days. A temporary license
2 is, for all other purposes of this act, a license to carry a
3 concealed pistol.

4 (10) ~~(9)~~—The legislative service bureau shall compile the
5 firearms laws of this state, including laws that apply to carrying
6 a concealed pistol, and shall provide copies of the compilation to
7 each concealed weapon licensing board in this state for
8 distribution under this subsection. A concealed weapon licensing
9 board shall distribute a copy of the compilation to each individual
10 who applies for a license to carry a concealed pistol at the time
11 the application is submitted. The concealed weapon licensing board
12 shall require the applicant to sign a written statement
13 acknowledging that he or she has received a copy of the
14 compilation. An individual is not eligible to receive a license to
15 carry a concealed pistol until he or she has signed the statement.

16 Sec. 5d. (1) If the concealed weapon licensing board denies
17 issuance of a license to carry a concealed pistol, ~~or~~ fails to
18 issue that license as provided in this act, **OR SUSPENDS OR REVOKES**
19 **A LICENSE**, the applicant **OR LICENSEE** may appeal the denial or the
20 failure to issue the license **OR THE SUSPENSION OR REVOCATION OF THE**
21 **LICENSE** to the circuit court in the judicial circuit in which he or
22 she resides. The appeal of the denial or failure to issue a license
23 **OR THE SUSPENSION OR REVOCATION OF THE LICENSE** shall be determined
24 by a review of the record for error, except that if the decision of
25 the concealed weapon licensing board was based upon grounds
26 specified in section 5b(7)(n) that portion of the appeal shall be
27 by hearing de novo. Witnesses in the hearing shall be sworn. A jury

1 shall not be provided in a hearing under this section.

2 (2) If the court determines that the denial or failure to
3 issue a license **OR THE SUSPENSION OR REVOCATION OF THE LICENSE** was
4 clearly erroneous, the court shall order the concealed weapon
5 licensing board to issue a license as required by this act **OR TO**
6 **RESTORE THE SUSPENDED OR REVOKED LICENSE.**

7 (3) If the court determines that the decision of the concealed
8 weapon licensing board to deny issuance of a license to an
9 applicant **OR TO SUSPEND OR REVOKE A LICENSE** was arbitrary and
10 capricious, the court shall order this state to pay 1/3 and the
11 county in which the concealed weapon licensing board is located to
12 pay 2/3 of the actual costs and actual attorney fees of the
13 applicant in appealing the denial.

14 (4) If the court determines that an applicant's appeal was
15 frivolous, the court shall order the applicant to pay the actual
16 costs and actual attorney fees of the concealed weapon licensing
17 board in responding to the appeal.

18 **SEC. 12C. (1) A SELLER OR A FEDERALLY LICENSED FIREARMS DEALER**
19 **SHALL NOT DO ANY OF THE FOLLOWING:**

20 (A) **CREATE A VISIBLE REPRESENTATION OR A BIOMETRIC RECORD OF**
21 **AN INDIVIDUAL WHO IS PURCHASING A FIREARM OR AMMUNITION, EXCEPT FOR**
22 **A VISIBLE REPRESENTATION CREATED INCIDENTALLY TO THE ROUTINE USE OF**
23 **SURVEILLANCE CAMERAS.**

24 (B) **LINK A VISIBLE REPRESENTATION OF A FIREARM OR AMMUNITION**
25 **TRANSACTION TO AN INDIVIDUAL, EXCEPT PURSUANT TO A COURT ORDER.**

26 (2) **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
27 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR**

1 **A FINE OF NOT MORE THAN \$500.00, OR BOTH.**

2 Enacting section 1. This amendatory act takes effect April 1,
3 2012.