

SENATE BILL No. 1348

October 17, 2012, Introduced by Senators WALKER, HANSEN, CASPERSON and BOOHER and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 43559 (MCL 324.43559), as amended by 1998 PA
95, and by adding section 1616.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1616. (1) THE DEPARTMENT SHALL ENFORCE THE COMPACT AND
2 SHALL DO ALL THINGS WITHIN THE DEPARTMENT'S JURISDICTION THAT ARE
3 APPROPRIATE IN ORDER TO EFFECTUATE THE PURPOSES AND THE INTENT OF
4 THE COMPACT.

5 (2) ON BEHALF OF THIS STATE, THE DEPARTMENT MAY DO EITHER OF
6 THE FOLLOWING:

7 (A) WITHDRAW FROM THE COMPACT UNDER ARTICLE VIII OF THE
8 COMPACT.

1 (B) ADOPT AMENDMENTS TO THE COMPACT UNDER ARTICLE IX OF THE
2 COMPACT.

3 (3) PURSUANT TO ARTICLE IV(A) OF THE COMPACT, IF THE
4 DEPARTMENT RECEIVES NOTICE FROM THE LICENSING AUTHORITY OF AN
5 ISSUING STATE THAT A RESIDENT OF THIS STATE HAS FAILED TO COMPLY
6 WITH THE TERMS OF A CITATION, THE DEPARTMENT SHALL SUSPEND THE
7 LICENSE PRIVILEGES OF THE RESIDENT.

8 (4) PURSUANT TO ARTICLE IV(B) OF THE COMPACT, IF THE
9 DEPARTMENT RECEIVES NOTICE OF CONVICTION OF A RESIDENT OF THIS
10 STATE FROM THE LICENSING AUTHORITY OF AN ISSUING STATE, THE
11 DEPARTMENT SHALL SUSPEND THE LICENSE PRIVILEGES OF THE RESIDENT IF
12 THE CONVICTION WOULD HAVE RESULTED IN MANDATORY SUSPENSION OF THE
13 LICENSE HAD IT OCCURRED IN THIS STATE. THE DEPARTMENT MAY SUSPEND
14 THE LICENSE PRIVILEGES IF THE CONVICTION COULD HAVE RESULTED IN
15 DISCRETIONARY SUSPENSION OF THE LICENSE HAD THE CONVICTION OCCURRED
16 IN THIS STATE.

17 (5) PURSUANT TO ARTICLE V(A) OF THE COMPACT, IF THE DEPARTMENT
18 RECEIVES NOTICE OF THE SUSPENSION OF ANY PERSON'S LICENSE
19 PRIVILEGES BY A PARTICIPATING STATE, THE DEPARTMENT SHALL DETERMINE
20 WHETHER THE VIOLATION LEADING TO THE SUSPENSION WOULD HAVE LED TO
21 THE SUSPENSION OF LICENSE PRIVILEGES UNDER THIS STATE'S LAW IN
22 ACCORDANCE WITH THE COMPACT MANUAL. IF THE DEPARTMENT DETERMINES
23 THAT THE PERSON'S LICENSE PRIVILEGES WOULD HAVE BEEN SUSPENDED, THE
24 DEPARTMENT MAY SUSPEND THE PERSON'S LICENSE PRIVILEGES FOR THE SAME
25 PERIOD AS IMPOSED BY THE PARTICIPATING STATE, BUT NOT TO EXCEED THE
26 MAXIMUM PERIOD ALLOWED BY THE LAW OF THIS STATE.

27 (6) IF THE DEPARTMENT SUSPENDS A PERSON'S LICENSE PRIVILEGES

1 PURSUANT TO THE COMPACT, THE DEPARTMENT SHALL PROVIDE THE PERSON
2 WITH AN OPPORTUNITY FOR AN EVIDENTIARY HEARING UNDER THE
3 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
4 24.328, LIMITED TO THE FOLLOWING GROUNDS:

5 (A) WHETHER, UNDER ARTICLE IV(A) OF THE COMPACT, THE PERSON
6 FAILED TO COMPLY WITH THE TERMS OF A CITATION IN ANOTHER
7 PARTICIPATING STATE.

8 (B) WHETHER, UNDER ARTICLE IV(B) OF THE COMPACT, THERE WAS A
9 CONVICTION IN ANOTHER PARTICIPATING STATE AND THE CONVICTION WOULD
10 HAVE LED TO THE SUSPENSION OF LICENSE PRIVILEGES UNDER THIS STATE'S
11 LAW, THE CONVICTION IS ON APPEAL IN THE PARTICIPATING STATE, OR THE
12 ALLEGED VIOLATOR IS NOT THE PROPER PARTY.

13 (C) WHETHER, UNDER ARTICLE V OF THE COMPACT, A PARTICIPATING
14 STATE SUSPENDED THE PERSON'S LICENSE PRIVILEGES AND THE VIOLATION
15 LEADING TO THE SUSPENSION WOULD HAVE LED TO THE FORFEITURE OF
16 PRIVILEGES UNDER THIS STATE'S LAW, THE CONVICTION IS ON APPEAL IN
17 THE PARTICIPATING STATE, OR THE ALLEGED VIOLATOR IS NOT THE PROPER
18 PARTY.

19 (7) AN EVIDENTIARY HEARING SHALL BE REQUESTED WITHIN 20 DAYS
20 AFTER THE DEPARTMENT SENDS THE PERSON NOTICE OF THE SUSPENSION. THE
21 PERSON SHALL SURRENDER TO THE DEPARTMENT ANY LICENSES ISSUED UNDER
22 PART 435 TO THE PERSON WITHIN 10 DAYS AFTER NOTICE OF THE
23 SUSPENSION IS SENT. THE DEPARTMENT SHALL, BY FIRST-CLASS MAIL, SEND
24 TO ANY RESIDENT OF THIS STATE AT HIS OR HER LAST KNOWN ADDRESS
25 NOTICE OF THE SUSPENSION, OF THE OPPORTUNITY FOR AN EVIDENTIARY
26 HEARING, AND OF THE OBLIGATION TO SURRENDER LICENSES.

27 (8) A PERSON WHO FAILS TO SURRENDER A LICENSE UNDER SUBSECTION

1 (7) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
2 MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN \$25.00 OR MORE THAN
3 \$250.00, OR BOTH.

4 (9) AS USED IN THIS SECTION, "COMPACT" MEANS THE INTERSTATE
5 WILDLIFE VIOLATOR COMPACT PROVIDED FOR IN SECTION 1615. IF A TERM
6 DEFINED IN ARTICLE II OF THE COMPACT IS USED IN THIS SECTION, THE
7 DEFINITIONS IN ARTICLE II OF THE COMPACT APPLY TO THAT TERM AS USED
8 IN THIS SECTION.

9 Sec. 43559. (1) If a person is convicted of violating this
10 part, or another law relative to hunting, fishing, or trapping that
11 does not otherwise require the revocation of, or prohibit the
12 securing of, 1 or more licenses, the court may order the revocation
13 of 1 or more of the person's licenses and may by order provide that
14 the person shall not secure 1 or more licenses for not less than
15 the remainder of the year in which convicted and during the next
16 succeeding year, or longer in the discretion of the court.

17 (2) The department shall comply with a suspension order issued
18 as provided in the support and parenting time enforcement act, 1982
19 PA 295, MCL 552.601 to 552.650, within 7 days after receipt of the
20 suspension order.

21 (3) An order rescinding a suspension order issued under the
22 support and parenting time enforcement act, 1982 PA 295, MCL
23 552.601 to 552.650, is effective upon its entry by the court and
24 purchase by the licensee of a replacement license.

25 (4) IF A PERSON IS CHARGED WITH, OR CONVICTED OF, A VIOLATION
26 OF THIS PART, OR ANOTHER LAW RELATIVE TO HUNTING, FISHING, OR
27 TRAPPING, AND THE PERSON FAILS TO ANSWER A CITATION OR A NOTICE TO

1 APPEAR IN COURT, OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY WITH
2 AN ORDER OR JUDGMENT OF THE COURT, THE COURT SHALL IMMEDIATELY GIVE
3 NOTICE BY FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS
4 THAT IF THE PERSON FAILS TO APPEAR WITHIN 7 DAYS AFTER THE NOTICE
5 IS ISSUED, OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF THE
6 COURT WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE DEPARTMENT
7 SHALL SUSPEND THE PERSON'S HUNTING, FISHING, AND TRAPPING LICENSES.
8 IF THE PERSON FAILS TO APPEAR WITHIN THE 7-DAY PERIOD, OR FAILS TO
9 COMPLY WITH THE ORDER OR JUDGMENT OF THE COURT WITHIN THE 14-DAY
10 PERIOD, THE COURT SHALL IMMEDIATELY INFORM THE DEPARTMENT. THE
11 DEPARTMENT SHALL IMMEDIATELY SUSPEND THE PERSON'S HUNTING, FISHING,
12 AND TRAPPING LICENSES AND NOTIFY THE PERSON OF THE SUSPENSION BY
13 FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS.