

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13734 Implied consent; due process rights; surety bond, secured trust fund, or other secured instrument or mechanism; reimbursement of costs resulting from violation; conduct constituting violation.

Sec. 13734.

(1) A generator, carrier, processor, and a collector who holds a permit issued under this part or who holds a permit in a state that has been granted equivalent privileges in this state under section 13724 shall by utilizing the disposal site in this state be considered to have given implied consent to the duties and responsibilities imposed on that person under this part, rules promulgated under this part, and the low-level radioactive waste management act.

(2) Nothing in subsection (1) shall be construed to impact upon the due process rights, including any appellate rights, of a generator, carrier, processor, or a collector who gives implied consent as provided in subsection (1).

(3) A generator, carrier, processor, and collector who holds a permit issued under this part shall post a surety bond or present evidence of a secured trust fund or other suitable secured instrument or mechanism in an amount determined by the department. The bond, trust fund, or other instrument or mechanism shall be payable to the department and conditioned upon performance in accordance with the terms and conditions of the permit of the generator, carrier, collector, or processor. The bond, trust fund, or other instrument or mechanism shall provide that if the generator, carrier, processor, or collector violates the provisions of this part, any rules promulgated under this part, or any terms or conditions of a permit issued under this part, the department shall be reimbursed for the costs that are incurred as a result of the violation. The failure to maintain a surety bond, secured trust fund, or other suitable instrument or mechanism constitutes a violation of this part.

History: Add. 1987, Act 203, Imd. Eff. Dec. 22, 1987

Compiler's Notes: For transfer of powers and duties of radioactive materials program from department of health and human services to department of health and human services, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular Name: Act 368