

Act No. 250  
Public Acts of 1993  
Approved by the Governor  
November 19, 1993  
Filed with the Secretary of State  
November 22, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Reps. McNutt, Randall, McBryde, Horton, Brackenridge, Shugars, Gernaat, Bodem,  
McManus, Bender, Dalman, Pitoniak and Rhead**

# **ENROLLED HOUSE BILL No. 4531**

AN ACT to amend sections 103, 305, 314, 325, 501, and 502 of Act No. 86 of the Public Acts of 1980, entitled as amended "An act to provide for the issuance of licenses, permits, and stamps for the taking, catching, hunting, killing, possession, and regulation of game animals, game birds, fur-bearing animals, fish, reptiles, amphibians, crustaceans, and wigglers taken under the authority of a license or permit; to provide for the collection, disposition, and use of certain funds; to prescribe the powers and duties of certain state agencies; to provide for certain immunities from civil and criminal liability; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts," as amended by Act No. 144 of the Public Acts of 1993, being sections 316.103, 316.305, 316.314, 316.325, 316.501, and 316.502 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 103, 305, 314, 325, 501, and 502 of Act No. 86 of the Public Acts of 1980, as amended by Act No. 144 of the Public Acts of 1993, being sections 316.103, 316.305, 316.314, 316.325, 316.501, and 316.502 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 103. (1) "Amphibian" means any frog, toad, salamander, or any other member of the class amphibia.

(2) "Bow" means a device for propelling an arrow from a string drawn, held, and released by hand where the force used to hold the string in the drawn position is provided by the archer's muscles.

(3) "Commission" means the commission of natural resources.

(4) "Crustacea" means any freshwater crayfish, shrimp, or prawn of the order decapoda.

(5) "Department" means the director or his or her designee.

(6) "Director" means the director of the department of natural resources.

Sec. 305. (1) Except as otherwise provided in this act, a person shall not hunt small game without a current small game license. Each small game license authorizes the person named in the license to hunt for small game except for animals or birds that require a special license. The fee for a resident small game license is \$9.50. If authorized in an order issued under section 8 of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.258 of the Michigan Compiled Laws, a resident possessing a current small game license may take specified fur-bearing animals by means other than trapping during the open season for hunting these fur-bearing animals. The fee for a nonresident small game license is \$50.00. The resident small game license fee for a minor child is \$4.75.



(2) A nonresident may purchase a limited small game license entitling that person to hunt for a 3-day period all species of small game that are available to hunt under the small game license. The fee for the limited nonresident small game license is \$20.00.

(3) A person who holds a fur harvester's license may trap fur-bearing animals without a small game license.

(4) A small game license is void between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.

(5) A nonresident hunter who legally possesses a nonresident hunting license may take from this state as open hand baggage the number of birds and animals that are permitted to be taken and in the person's possession at any 1 time.

Sec. 314. (1) Except as otherwise provided in section 305(1), a person shall not trap or hunt fur-bearing animals without purchasing and possessing a fur harvester's license. The fee for a resident fur harvester's license is \$15.00. The fee for a fur harvester's license for a resident minor child is \$7.50.

(2) The department may issue a nonresident fur harvester's license to a nonresident of this state if the state, province, or country in which the nonresident applicant resides allows residents of this state to obtain equivalent hunting and trapping privileges in that state, province, or country. The fee for an eligible nonresident fur harvester's license is \$150.00. Nonresident fur harvester's licenses shall not be sold or purchased prior to November 15 of each year.

(3) A person who holds a fur harvester's license may hunt fur-bearing animals during the season open to taking fur-bearing animals with firearms and may trap fur-bearing animals during the season open to trapping fur-bearing animals.

Sec. 325. (1) Until the department implements an automated licensing system, a person authorized by the department to issue licenses on March 15, 1993, may retain 8.0% of the fees for each passbook, license, duplicate license, application, or permit that the person sells. After the implementation of an automated licensing system, a person authorized by the department to issue licenses on March 15, 1993, may retain 7.5% of the fees for each passbook, license, duplicate license, application, or permit that the person sells. A person authorized by the director after March 15, 1993 to issue licenses may retain 5% of the fees for each passbook, license, duplicate license, application, or permit that the person sells. The department shall consider any additional location established after March 15, 1993 at which licenses are sold as a new authorized agent for purposes of determining the percentage of fees that may be retained for sales at the new location by that authorized agent.

(2) In addition to the fees authorized under subsection (1), the director may also authorize a person authorized by the department to issue licenses to charge and retain a 50-cent transaction fee for 1 or both of the following:

(a) Inquiries regarding the status of a previous permit application pending with the department.

(b) Collecting migratory bird survey responses.

(3) In addition to the license, application, and permit fees prescribed in article 3, after the implementation of an automated licensing system, the department may require a person authorized by the department to issue licenses to charge a 50-cent transaction fee which the authorized person shall forward to the department.

Sec. 501. (1) The department shall prepare the passbook and licenses to comply with this act and may authorize persons to issue passbooks, other than Michigan driver licenses, and licenses.

(2) A passbook shall provide the following information as required by the department:

(a) The name of the applicant.

(b) The height and weight of the applicant.

(c) The address of the applicant.

(d) The birth date of the applicant.

(e) The applicant's social security number.

(3) A license may provide the following information:

(a) The date and time of issuance of the license.

(b) The identification code of the person issuing the license.

(c) The form of proof of eligibility to receive a license by the applicant as required.

(d) The passbook number.

(e) The applicant's date of birth.

(4) Beginning on March 1, 1994, the department may require persons authorized to issue licenses under this act to purchase or rent equipment necessary for the issuance of licenses. The purchase or lease charge shall not exceed the actual cost incurred by the department in making the equipment available for purchase or lease. The use of any equipment required under this act on a state wide basis shall not be required or used until all authorized agents have that equipment. However, notwithstanding the equipment rental or purchase charges otherwise required under this



section, if the department requires the use of designated computer equipment for the issuance of licenses the department shall supply each licensed agent who is entitled to retain 7.5% of the fees received with a computer system at no charge to the licensed agent for each location at which that licensed agent sells licenses. A person who is eligible to receive equipment without charge may be required to purchase a service and maintenance contract for that equipment. The cost of such a contract shall be not more than \$200.00 for the first year of the contract and thereafter the actual cost to the state of maintaining the computer system. Equipment that is supplied without charge to a licensed agent shall be returned to the department at such time as the person is no longer a licensed agent. The department shall annually exempt from the requirements of this subsection a person who requests from the department authority to issue only limited fishing licenses under section 316.

(5) Beginning on March 1, 1994, a person who is authorized after March 15, 1993 to issue licenses shall pay the full annual rental or purchase fee for equipment required under subsection (4).

(6) A person who on March 15, 1993 is authorized to issue licenses who rents the equipment for the issuance of licenses required under subsection (4) shall pay rent or service and maintenance contract cost, as applicable for that equipment not to exceed 50% of the sum of the person's annual cumulative commission authorized under section 325(1), or the rental charge otherwise determined by the department, whichever is less.

(7) The department shall provide persons authorized to issue licenses and passbooks under this act with conservation law enforcement stamps to enable the purchaser of the stamps to contribute to the wildlife resource protection fund created in section 604. Conservation law enforcement stamps shall be issued by the department in the amounts of \$2.00 and \$5.00.

Sec. 502. (1) Until the department implements an automated licensing system, the department may require a person authorized to issue passbooks and licenses to file a bond with the department. The type and amount of the bond shall be determined by the department.

(2) A person issuing a passbook, license, or permit shall remit to the department money received from the sale of each passbook, license, duplicate license, application, or permit by the method and at the frequency prescribed by the department.

(3) A person shall not charge a fee for a passbook or a license in an amount that is different from the license and transaction fee printed on the passbook or license by the department.

(4) All fees collected from the sale of passbooks, licenses, duplicate licenses, applications, or permits, except for the fees and commissions provided in section 325(1) and (2), are held in trust for the state.

This act is ordered to take immediate effect.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.