

Act No. 53
Public Acts of 2005
Approved by the Governor
June 27, 2005
Filed with the Secretary of State
June 27, 2005
EFFECTIVE DATE: June 27, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Reps. Newell, Emmons, Kathleen Law, Vander Veen, Stewart, Leland, McDowell, Farrah, Sak, Plakas, LaJoy, Taub, McConico, Anderson, Kolb, Lipsey, Kooiman, Hunter, Tobocman, Bieda, Condino, Vagnozzi, DeRoche, Accavitti, Hune, Gleason, Nofs, Ward, Nitz, Moolenaar, Palsrok, Ball, Booher, Caul, Cheeks, Clemente, Elsenheimer, Espinoza, Gonzales, Hansen, Kehrl, Lemmons, III, Lemmons, Jr., Mayes, Moore, Pavlov, Polidori, Proos, Schuitmaker, Sheltroun, Alma Smith and Spade

ENROLLED HOUSE BILL No. 4562

AN ACT to amend 1931 PA 189, entitled "An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction of certain plants by owners of certain fruit trees; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; and to prescribe penalties," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding section 28.

The People of the State of Michigan enact:

TITLE

An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction or treatment of certain plants or plant products; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; to prescribe penalties and civil sanctions; and to provide remedies.

Sec. 28. (1) A person, other than a person who is required to be licensed under this act, who violates section 20 or an order issued under section 20 is responsible for a state civil infraction and shall be fined not more than \$1,000.00 plus expenses incurred by the department in abating the nuisance.

(2) If a person who is required to be licensed under this act violates section 20 or an order issued under this section 20, the director shall impose on the person an administrative fine of not more than \$1,000.00 plus expenses incurred by the department in abating the nuisance.

(3) A person, other than a person who is required to be licensed under this act, who violates section 23 or a rule promulgated or regulation issued under section 23, or who violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is responsible for a state civil infraction and shall be fined not less than \$1,000.00 or more than \$10,000.00. However, if the person voluntarily reported the violation to the department before

it was otherwise known to the department or the person had reason to believe the violation was about to become known to the department, the person shall be fined not more than \$500.00.

(4) If a person who is required to be licensed under this act violates section 23 or a rule promulgated or regulation issued under section 23, or violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, the director shall impose on the person an administrative fine of not less than \$1,000.00 or more than \$10,000.00. However, if the person voluntarily reported the violation to the department before it was otherwise known to the department or the person had reason to believe the violation was about to become known to the department, the director shall impose on the person an administrative fine of not more than \$500.00.

(5) Beginning September 1, 2005, a person who knowingly violates section 23 or an order issued or rule promulgated under section 23, or who knowingly violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than \$1,000.00 or more than \$10,000.00.

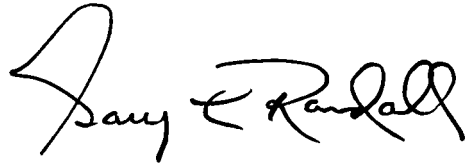
(6) Beginning September 1, 2005, a person who intentionally violates section 23 or an order issued or rule promulgated under section 23, or who intentionally violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, for the purpose of causing damage to plants, plant products, natural resources, or agricultural, silvicultural, or horticultural products or resources, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$250,000.00, or both.

(7) A person who violates section 23 or a rule promulgated or order issued under section 23, or who violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is liable for any damages to plants, plant products, natural resources, or agricultural, silvicultural, or horticultural products or resources resulting from the violation, including, but not limited to, costs incurred to investigate, monitor, prevent, or minimize such damages.

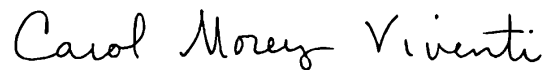
(8) As used in this section, "person" means that term as defined in section 16a.

(9) Beginning September 1, 2005, violations described in this section are not subject to section 24 or 26.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor