

SUBSTITUTE FOR  
HOUSE BILL NO. 4860

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending sections 4 and 9b (MCL 287.334 and 287.339b), section 4 as amended by 2004 PA 280 and section 9b as added by 1997 PA 7.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 4. (1) Applications for pet shop licenses shall be on a  
2 form as provided or made available by the director. Beginning  
3 October 1, 2003 through September 30, ~~2007~~**2012**, the director shall  
4 issue pet shop licenses for a term of 1 year beginning January 1 of  
5 each year. ~~Until October 1, 2003 or after September 30, 2007,~~ **AFTER**  
6 **SEPTEMBER 30, 2012**, the director shall issue a pet shop license  
7 upon application and payment of a license fee of \$150.00.

8           (2) ~~Beginning October 1, 2003 through September 30, 2007,~~

1 **SUBJECT TO SUBSECTION (6) AND UNTIL SEPTEMBER 30, 2012**, the  
2 department shall charge a fee of \$200.00 for an initial application  
3 for a pet shop license and a fee of \$100.00 for renewal of a pet  
4 shop license.

5 ~~(3) The following apply only to licenses issued beginning~~  
6 ~~October 1, 2003 through September 30, 2007.~~

7 ~~—— (a) A license issued before July 23, 2003 expires on December~~  
8 ~~31, 2003, except that a license issued in the 2003 calendar year~~  
9 ~~expires on December 31, 2004.~~

10 ~~—— (b) Beginning January 1, 2004~~ **UNTIL SEPTEMBER 30, 2012** and  
11 except as otherwise provided for in this section, a pet shop  
12 license is renewable by submission of a completed renewal  
13 application provided or made available by the department and  
14 payment of the renewal fee described in subsection (2).

15 **(4) THE DEPARTMENT SHALL DEPOSIT ALL LICENSE FEES, INSPECTION**  
16 **FEES, OTHER NONCRIMINAL FINES OR FEES, AND ADMINISTRATIVE FINES**  
17 **RECEIVED PURSUANT TO THIS ACT INTO THE AGRICULTURE LICENSING AND**  
18 **INSPECTION FEES FUND CREATED IN SECTION 9 OF THE INSECT PEST AND**  
19 **PLANT DISEASE ACT, 1931 PA 189, MCL 286.209, TO BE USED, PURSUANT**  
20 **TO APPROPRIATION, BY THE DIRECTOR IN ADMINISTERING AND CARRYING OUT**  
21 **THOSE DUTIES REQUIRED BY LAW UNDER THIS ACT.**

22 ~~(5) (4) Beginning the effective date of the amendatory act~~  
23 ~~that added this subsection~~ **JULY 23, 2004**, the department shall  
24 issue an initial or renewal pet shop license not later than 90 days  
25 after the applicant files a completed application. Receipt of the  
26 application is considered the date the application is received by  
27 any agency or department of the state of Michigan. If the

1 application is considered incomplete by the department, the  
2 department shall notify the applicant in writing, or make the  
3 information electronically available, within 30 days after receipt  
4 of the incomplete application, describing the deficiency and  
5 requesting the additional information. The 90-day period is tolled  
6 upon notification by the department of a deficiency until the date  
7 the requested information is received by the department. The  
8 determination of the completeness of an application does not  
9 operate as an approval of the application for the license and does  
10 not confer eligibility of an applicant determined otherwise  
11 ineligible for issuance of a license.

12 (6) ~~(5)~~—If the department fails to issue or deny a license  
13 within the time required by this section, the department shall  
14 return the license fee and shall reduce the license fee for the  
15 applicant's next renewal application, if any, by 15%. The failure  
16 to issue a license within the time required under this subsection  
17 does not allow the department to otherwise delay the processing of  
18 the application, and that application, upon completion, shall be  
19 placed in sequence with other completed applications received at  
20 that same time. The department shall not discriminate against an  
21 applicant in the processing of the application based upon the fact  
22 that the license fee was refunded or discounted under this  
23 subsection.

24 (7) ~~(6)~~—Beginning October 1, 2005, the director of the  
25 department shall submit a report by December 1 of each year to the  
26 standing committees and appropriations subcommittees of the senate  
27 and house of representatives concerned with agriculture issues. The

1 director shall include all of the following information in the  
2 report concerning the preceding fiscal year:

3 (a) The number of initial and renewal applications the  
4 department received and completed within the 90-day time period  
5 described in subsection ~~(4)~~—(5).

6 (b) The number of applications denied.

7 (c) The number of applicants not issued a license within the  
8 90-day time period and the amount of money returned to licensees  
9 and registrants under subsection ~~(5)~~—(6).

10 (8) ~~(7)~~—As used in this section, "completed application" means  
11 an application complete on its face and submitted with any  
12 applicable licensing fees as well as any other information,  
13 records, approval, security, or similar item required by law or  
14 rule from a local unit of government, a federal agency, or a  
15 private entity but not from another department or agency of the  
16 state of Michigan. In the case of an initial application, completed  
17 application includes the completion of construction or renovation  
18 of any facility and the passing of a satisfactory inspection.

19 Sec. 9b. (1) If a person violates this act or a rule  
20 promulgated under this act, the director, after notice and an  
21 opportunity for an evidentiary hearing under the administrative  
22 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may do  
23 either or both of the following:

24 (a) Suspend or revoke a license or registration issued to the  
25 person under this act.

26 (b) Impose an administrative fine of not more than \$1,000.00  
27 for each violation. The director shall advise the attorney general

1 of the failure of a person to pay an administrative fine under this  
2 section. The attorney general shall bring a civil action to recover  
3 the administrative fine and costs and fees. The administrative fine  
4 shall be deposited in the ~~general fund of the state treasury~~

5 **AGRICULTURE LICENSING AND INSPECTION FEES FUND CREATED IN SECTION 9**  
6 **OF THE INSECT PEST AND PLANT DISEASE ACT, 1931 PA 189, MCL 286.209.**

7 (2) In addition to any other action authorized by this act,  
8 the director may bring an action to do 1 or more of the following:

9 (a) Obtain a declaratory judgment that a method, act, or  
10 practice is in violation of this act.

11 (b) Obtain an injunction against a person who is engaging, or  
12 about to engage, in a method, act, or practice that violates this  
13 act.

14 (3) If a person fails to comply with a contract for the  
15 alteration of a dog, cat, or ferret as required under section 8a, a  
16 court with appropriate jurisdiction may order transfer of ownership  
17 of the adopted animal only to 1 of the following:

18 (a) The facility from which the animal was adopted.

19 (b) A veterinarian, animal control shelter, or animal  
20 protection shelter willing to accept the animal and either humanely  
21 euthanize the animal or adopt the animal to an owner who agrees to  
22 have the animal altered.

23 Enacting section 1. This amendatory act does not take effect  
24 unless House Bill No. 4862 of the 94th Legislature is enacted into  
25 law.