

GOVERNOR JOHN B. SWAINSON MICHIGAN HISTORICAL MARKERS ACT (EXCERPT)
Act 10 of 1955

399.158 Official Michigan historical marker; certain uses prohibited; violations as misdemeanor; penalty; return of marker without penalty; exception; deposit of civil fines into fund.

Sec. 8. (1) A person or agency shall not use for advertising, retail sales, or any other commercial purpose without the department's written permission any portion of the seal, emblem, and logo that appear in the crest of an official Michigan historical marker. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$5,000.00, or both.

(2) A person or agency shall not exhibit, display, or use a marker's seal, emblem, or logo or a marker's distinctive design, configuration, pattern, or color combination, including an official Michigan historical marker's facsimile, to represent his or her property as a registered Michigan historic site. A person or agency shall not exhibit, display, or use the seal, emblem, or logo or a marker's distinctive design, configuration, pattern, or color combination, including an official Michigan historical marker's facsimile, in a manner designed to lead another person to believe that the person's property is an official state historic site. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not less than \$2,000.00 or more than \$10,000.00, or both. If a person allegedly in violation of this subsection receives written notice from the department that the person is in apparent violation of the subsection and the person within 60 days of mailing of the notice ceases the violation by removing or no longer using the seal, pattern, design, or color combination, or facsimile, prosecution under this subsection is barred.

(3) A person or agency shall not damage, destroy, deface, remove, tamper with, alter, or possess an official Michigan historical marker displayed at a historic resource or site without the department's written permission. A person or agency that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$500.00 or more than \$5,000.00, or both. In addition, a person who pleads guilty or nolo contendere or is determined guilty under this subsection is liable to this state for a civil fine in an amount double the cost of repair, replacement, and restoration of the official state historic site and official Michigan historical marker.

(4) A person, including a salvage company, commercial business, or a collector, shall not knowingly accept in trade or possess an official Michigan historical marker. A person that violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not less than \$1,000.00 or more than \$10,000.00, or both. In addition, a person that pleads guilty or nolo contendere or is determined guilty under this subsection is liable to this state for a civil fine in an amount 3 times the cost of the repair, restoration, or replacement of the official Michigan historical marker.

(5) Within 1 year after the effective date of the amendatory act that amended this subsection, a person possessing an official Michigan historical marker may return the marker to the department or to the sheriff of the person's county of residence without penalty for larceny or violating this act. However, this immunity does not apply to a person that removed the marker if the removal of the marker resulted in death or personal injury. A sheriff shall hold a returned marker and shall notify the department that a marker has been returned. The department, with the concurrence of the commission, shall determine the disposition of the returned marker.

(6) The civil fines received under subsections (3) and (4) shall be forwarded to the state treasurer for deposit into the fund.

History: Add. 2002, Act 488, Imd. Eff. June 28, 2002;—Am. 2017, Act 185, Eff. Feb. 19, 2018.

Compiler's note: For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.