

Act No. 221
Public Acts of 2023
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Daley, Cherry and McCann

ENROLLED SENATE BILL No. 104

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding sections 43528c and 43528d.

The People of the State of Michigan enact:

Sec. 43528c. (1) Beginning March 1, 2024, an individual shall not act as a commercial hunting guide in this state unless that individual possesses both of the following:

- (a) A valid license issued under subsection (2).
- (b) A valid base license issued under section 43523a.

(2) To obtain a license to act as a commercial hunting guide, an individual shall submit the application fee described in section 43528d and an application to the department. The application must be in a format determined by the department. The department shall only grant a license to an individual if the department determines all of the following:

(a) That the individual holds a valid certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or a comparable organization approved by the department, and that the individual can provide to the department, upon request, a copy of the certification.

(b) The individual has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or a sportcard issued under section 43522.

(c) The individual has not been convicted of any of the following within the past 3 years:

(i) A violation of any of the following:

(A) Section 40112.

(B) Section 40118(2), (3), (4), (5), (6), (14), (15), (16), or (17).

(C) Section 41105.

(D) Section 44524.

(E) Section 48738(2) or (3).

(F) Section 48739(1), (2), or (3).

(ii) Any felony.

(iii) A violation of a law of a participating state substantially corresponding to a violation described in subparagraphs (i) to (ii).

(d) The individual is eligible to purchase a license for the game species for which the individual is acting as a commercial hunting guide. This subdivision does not apply to an individual who is ineligible to obtain a hunting license solely because that individual has previously been issued a hunting license for that species.

(3) An individual shall not act as a commercial hunting guide unless that individual, when acting as a commercial hunting guide, carries a basic first aid kit that includes, but is not limited to, all of the following:

(a) Tourniquet, chest seals, and compression gauze.

(b) CPR mask.

(c) Trauma shears.

(d) Sterile eyewash.

(e) Mylar emergency blanket.

(f) Bandages.

(g) Moleskin.

(h) Tweezers.

(4) An individual shall not act as a commercial hunting guide on commercial forestland.

(5) A license issued under this section is valid for 3 years after the date it is issued. The department may revoke a license under this section, after notice and opportunity for hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for any of the following reasons:

(a) The department determines that the individual is not eligible to hold a license under this section.

(b) The individual provides false information under this section.

(c) The individual fails to file an annual report under subsection (6), and that report remains unfiled for more than 90 days after the report is due.

(6) A commercial hunting guide shall file an annual report with the department, in a format determined by the department, that contains information related to all of the following:

(a) The counties of this state where the individual acted as a commercial hunting guide.

(b) The species of game for which the individual acted as a commercial hunting guide.

(c) The number of clients that the commercial hunting guide had during the year.

(d) The number of game animals harvested by the clients of the commercial hunting guide.

(e) Any additional information the department requires regarding the biological characteristics of the game animals harvested.

(7) Information submitted in a report under subsection (6) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) The department shall annually post on its website all of the following:

- (a) The number of applications submitted under subsection (2) in the previous year.
- (b) The number of licenses issued under this section in the previous year.
- (c) A list of individuals who have valid licenses under this section.

(9) An individual shall carry that individual's commercial hunting guide license and shall exhibit the license upon the demand of a conservation officer, a peace officer, a tribal conservation officer, a park and recreation officer if commercial hunting guiding takes place on property regulated under part 741 or 781, or the owner or occupant of any land where the individual is acting as a commercial hunting guide.

(10) An individual who acts as a commercial hunting guide without a valid license issued under this section or who acts as a commercial hunting guide on commercial forestland is subject to a civil fine of not more than \$500.00. An individual who acts as a commercial hunting guide without a valid license issued under this section or who acts as a commercial hunting guide on commercial forestland a second or subsequent time is subject to a civil fine of not more than \$1,000.00. A civil fine collected under this subsection must be deposited in the game and fish protection account established in section 2010.

(11) An individual who provides false information to the department under this section is subject to a civil fine of not more than \$500.00.

(12) As used in this section:

(a) "Commercial hunting guide" means an individual who, for a fee or other consideration of value, provides assistance to another individual in hunting game. Commercial hunting guide does not include any of the following:

(i) The owner of private land while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take game on that private land.

(ii) The owner, employee, or member of a game bird hunting preserve licensed under part 417, or a designee of the owner, employee, or member, while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take game birds authorized to be hunted on that game bird hunting preserve.

(iii) The owner or employee of a privately owned game ranch while providing assistance to another individual in pursuing, capturing, catching, killing, taking, or attempting to take privately owned game that the individual is permitted to own on the individual's privately owned game ranch. As used in this subparagraph, "privately owned game ranch" includes a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969.

(iv) An individual, business, agency, or nonprofit organization issued a permit from the department to provide damage or nuisance animal control services, while providing those damage or nuisance animal control services.

(v) An employee or member of an organization conducting a not-for-profit event to recruit, retain, or promote hunting, while providing assistance to another individual in hunting game during that event.

(vi) An individual who complies with subsection (2)(c) and who is working under the direct supervision of a licensed commercial hunting guide when a hunting client is present. As used in this subparagraph, "direct supervision" means that visual and vocal contact is constantly maintained between the individual and the licensed commercial hunting guide.

(vii) An individual who provides assistance when a hunting client is not present.

(viii) An individual who is compensated for providing assistance to an individual with a disability or physical limitation. As used in this subparagraph, "individual with a disability or physical limitation" means a disabled person as that term is defined in section 19a of the Michigan vehicle code, 1949 PA 300, MCL 257.19a.

(b) "Consideration of value" means an economic benefit, inducement, right, or profit, including monetary payment accruing to an individual or person. Consideration of value does not include a voluntary sharing of the actual expenses of the guiding activity by monetary contribution or donation of fuel, food, beverages, or other supplies.

(c) "Participating state" means that term as defined in section 1615.

Sec. 43528d. Except as otherwise provided in this section, the department shall charge a resident applying for a commercial hunting guide license under section 43528c an application fee of \$150.00. The department shall charge a nonresident applying for a commercial hunting guide license under section 43528c an application fee of \$300.00. Money collected under this section must be deposited in the game and fish protection account established in section 2010.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

- (a) Senate Bill No. 103.
- (b) Senate Bill No. 105.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 103, referred to in enacting section 2, was filed with the Secretary of State November 22, 2023, and became 2023 PA 221, Eff. Feb. 20, 2024.

Senate Bill No. 105, also referred to in enacting section 2, was filed with the Secretary of State November 22, 2023, and became 2023 PA 222, Eff. Feb. 20, 2024.