

WEIGHTS AND MEASURES ACT (EXCERPT)
Act 283 of 1964

290.631a Consent agreement; proceeding; action by attorney general; civil fines.

Sec. 31a.

(1) The director, upon determination that an individual who, by himself or herself, his or her agent or employee, or as the agent or employee of another, has violated this act or rules promulgated under this act, may enter into a consent agreement for the assessment of a civil fine as follows:

(a) For a first violation, not less than \$150.00 and not more than \$2,500.00 for each violation plus the actual cost of the investigation and the amount of any economic benefit associated with the violation.

(b) For a second violation within 2 years of the first violation, not less than \$500.00 or not more than \$5,000.00 for each violation plus actual costs of the investigation and twice the amount of any economic benefit associated with the violation.

(c) For a third violation within 2 years from the date of the first violation, not less than \$500.00 or not more than \$10,000.00 for each violation plus actual costs of the investigation and 3 times the amount of any economic benefit associated with the violation.

(2) If a person alleged to have violated this act or rules promulgated under this act does not enter into a written consent agreement as described in subsection (1) within 15 days of the date of the consent agreement, the director may do either of the following:

(a) Initiate a criminal prosecution.

(b) Commence an administrative hearing conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the case of a person holding a registration under this act, or commence a civil violation proceeding in a court of competent jurisdiction regarding any other person.

(3) Upon finding a violation of any provision of this act or rules promulgated under this act as a result of the commencement of an action under subsection (2)(b), the court shall assess a civil fine of not more than \$10,000.00 for each violation plus the actual costs of the investigation and the amount of any economic benefit associated with the violation as prescribed in subsection (1).

(4) The decision of the director pursuant to a proceeding under this section is subject to appropriate judicial review as provided by law.

(5) The director shall advise the attorney general of the failure of any person to pay a civil fine imposed under this section. The attorney general shall bring an action in court to recover the fine.

(6) Any civil fines or recovery of any economic benefits that are recovered for a violation of this act and collected under this section must be paid to the general fund and credited to the department for the enforcement of this act.

History: Add. 2002, Act 208, Imd. Eff. Apr. 29, 2002 ;-- Am. 2022, Act 273, Eff. Mar. 29, 2023