

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.48738 Violations as misdemeanors; violation as felony; violation as civil infraction; penalties; suspension or revocation of permit or license; issuance or reinstatement.

Sec. 48738.

(1) An individual who violates this part or rules or orders issued to implement this part, if a penalty is not otherwise provided for that violation in this section, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(2) An individual who uses dynamite, nitroglycerin, any other explosive substance, lime, electricity, or poison for the purpose of taking or killing fish, who uses nets not authorized by law for taking game fish, or who buys or sells game fish or any part of game fish is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both.

(3) An individual who takes or possesses sturgeon in violation of this part or rules or orders issued to implement this part is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

(4) An individual who knowingly violates section 48735(2) or (4), or a rule or permit issued under section 48735(2) or (4), with respect to a genetically engineered variant of a fish species 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. In addition, the individual is liable for any damages to the natural resources resulting from the violation, including, but not limited to, costs incurred to prevent or minimize the damages.

(5) An individual who does either of the following is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00:

(a) Fails to attach the individual's name and address to tip-ups in violation of section 48703(2).

(b) Fishes with more than the authorized number of lines in violation of section 48703(1).

(6) If an individual is convicted of a violation of this part or a rule promulgated or order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court at the time of sentencing that the individual has been previously convicted 3 or more times of a violation of this part within the 5 years immediately preceding the last violation of this part, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, and the costs of prosecution. This subsection does not apply to the following violations:

(a) Failing to possess or display a valid fishing license issued under part 435.

(b) Taking or possessing an overlimit of bluegill, sunfish, crappie, perch, or nongame fish.

(c) Taking or possessing not more than 5 undersized fish.

(d) Fishing with more than the authorized number of lines.

(e) Failing to attach the individual's name and address to tip-ups or minnow traps.

(f) Fishing with lines not under immediate control.

(7) In addition to the penalties provided in this section, a fishing license issued to an individual sentenced under subsection (2), (3), (4), or (6) must be revoked, and the individual must not be issued a license during the remainder of the year in which convicted or during the next 3 succeeding license years.

(8) Subject to subsection (9), if any permit or license under this part is ordered to be suspended or revoked under section 41309 and if the department maintains a database of suspensions or revocations of permits or licenses under this part, the department shall not issue a permit or license under this part to the individual for the period provided in the order.

(9) If a permit or license under this part is ordered to be suspended under section 41309, the suspension remains in effect until both of the following occur:

(a) The suspension period set forth in the court order has elapsed.

(b) The individual pays the department a reinstatement fee of \$125.00.

(10) Unless an individual's permit or license is otherwise suspended, revoked, or denied, the permit or license is immediately reinstated on satisfaction of the requirements of subsection (9).

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2003, Act 270, Eff. Mar. 30, 2004 ;-- Am. 2014, Act 541, Eff. Apr. 15, 2015 ;-- Am. 2020, Act 385, Eff. Mar. 24, 2021 ;-- Am. 2022, Act 14, Imd. Eff. Feb. 23, 2022

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