

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5401**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80146 (MCL 324.80146), as amended by 2007 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80146. (1) The department may promulgate rules to
2 establish maximum ~~motorboat~~**vessel** speed limits or to allow
3 unlimited ~~motorboat~~**vessel** speed on the waters of this state.

4 (2) On waters of this state for which a ~~motorboat~~**vessel** speed
5 limit is not established under subsection (1), ~~on any waters for~~
6 which the department has not established an unlimited ~~motorboat~~
7 **vessel** speed limit, ~~or on any waters and~~ for which stricter speed
8 restrictions are not established pursuant to ~~an~~**another** act, ~~a the~~
9 maximum speed limit ~~of~~**is** 55 miles per hour, ~~is established, except~~



1 ~~in~~ as follows:

2 (a) In an emergency as determined by local government
3 authority. ~~and except for authorized peace and~~

4 (b) For conservation officers and other peace officers when
5 engaged in official duties. ~~The maximum speed limit of 55 miles per~~
6 ~~hour does not apply to the~~

7 (c) In the Great Lakes and Lake St. Clair, except for an area
8 within 1 mile of the shoreline measured at a right angle from the
9 shoreline.

10 (3) Upon receipt of a resolution by the governing body of a
11 local unit of government having jurisdiction over waters of this
12 state requesting a reduction in the maximum speed limit on those
13 waters, the department, pursuant to sections 80108 and 80109 to
14 80113, may establish a maximum speed limit not to exceed 40 miles
15 per hour on those waters.

16 (4) Upon receipt of a resolution of the governing body of a
17 county or municipality requesting a reduction in the maximum vessel
18 speed limit to protect life and property during emergency
19 conditions, the department, the county emergency management
20 coordinator, or the county sheriff may establish a temporary
21 reduced maximum vessel speed limit on waters of this state located
22 in the county or municipality. In that case, the department,
23 emergency management coordinator, or sheriff, respectively, shall
24 do all of the following:

25 (a) Specify a maximum fine for violating the temporary speed
26 limit. The maximum fine shall not be greater than \$100.00 for a
27 first violation of a temporary speed limit established by that
28 authority or \$500.00 for a second or subsequent violation.

29 (b) Notify the other authorities authorized to issue temporary



1 speed limits under this subsection of the temporary speed limit.

2 (c) Post the temporary speed limit, the maximum fine, and a
3 description of the affected waters on its website.

4 (d) Subject to section 80159, place buoys sufficient to advise
5 vessel operators of the temporary speed limit.

6 (5) A person who violates a temporary speed limit established
7 by the department under subsection (4) is responsible for a state
8 civil infraction and subject to a civil fine as specified pursuant
9 to subsection (4). A person who violates a temporary speed limit
10 established by an emergency management coordinator or sheriff is
11 responsible for a municipal civil infraction and subject to a civil
12 fine as specified pursuant to subsection (4).

13 (6) A temporary speed limit under subsection (4) shall remain
14 in effect for not more than 14 days. A temporary speed limit may be
15 reissued once per calendar year. However, a temporary speed limit
16 may be reissued twice per calendar year if, before adopting the
17 resolution requesting the second reissuance, the county or
18 municipality submitted to the department an application and
19 resolution for a temporary ordinance under section 80112a in lieu
20 of the temporary speed limit under subsection (4). Temporary speed
21 limits under subsection (4) shall only be in effect during the
22 period from September 1 to June 20. However, a temporary speed
23 limit may be in effect during the period from June 21 to June 30 if
24 it is the first or second reissuance of a temporary speed limit and
25 if, before adopting the resolution requesting that reissuance, the
26 county or municipality submitted to the department an application
27 and resolution for a temporary ordinance under section 80112a in
28 lieu of the temporary speed limit under subsection (4).

29 (7) A temporary speed limit under subsection (4) shall not



1 prohibit the use of any type of vessel.

2 (8) During a state of emergency or disaster declared by the
3 governor pursuant to law, the governor may establish restricted
4 wake zones if necessary and appropriate to address emergency or
5 disaster conditions.

6 (9) ~~(3)~~—A person shall not operate a ~~motorboat~~**vessel** on the
7 waters of this state at a speed greater than slow-no wake speed or
8 the minimum speed necessary for the ~~motorboat~~**vessel** to maintain
9 forward movement when within 100 feet of the shoreline where the
10 water depth is less than 3 feet, as determined by vertical
11 measurement, except in navigable channels not otherwise posted.

12 (10) ~~(4)~~—A person who violates subsection (2) or (3) is
13 responsible for a state civil infraction and may be ordered to pay
14 a civil fine of not more than \$500.00, unless 1 of the following
15 conditions exists:

16 (a) The requirements of this section have been waived as
17 described under subsection ~~(5)~~**(11)**.

18 (b) The person violates this section in a manner that
19 constitutes reckless operation of a ~~motorboat~~**vessel** as described
20 in section 80147.

21 (11) ~~(5)~~—The department may waive the requirements of this
22 section and section 80156 for marine events authorized by the
23 department under section 80164.

24 Enacting section 1. This amendatory act does not take effect
25 unless all of the following bills of the 100th Legislature are
26 enacted into law:

27 (a) House Bill No. 5402.

28 (b) House Bill No. 5463.

