

**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 maximum vessel speed limit on waters of this state located in the  
22 county or municipality. The use of any type of vessel shall not be  
23 prohibited under this subsection. The department, emergency  
24 management coordinator, or sheriff, respectively shall specify a  
25 maximum fine for violating the speed limit. The maximum fine shall  
26 not be greater than \$500.00. The speed limit shall remain in effect  
27 for not more than 14 days and may be reissued once per calendar  
28 year. The department, county emergency management coordinator, or  
29 county sheriff, as applicable, shall do both of the following:



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

3 (b) Erect signs at boating access sites and marinas in the  
4 affected area, or place buoys, sufficient to advise. The signs or  
5 buoys shall be sufficient to advise vessel operators of the speed  
6 limit. An emergency management coordinator or sheriff shall consult  
7 with the department before placing buoys under this subdivision.  
8 The requirement for a permit under section 80159 does not apply to  
9 buoys placed under this subdivision, and the department shall not  
10 order removal of the buoys because a permit has not been issued.

11 (5) A person who violates a speed limit established by the  
12 department under subsection (4) is responsible for a state civil  
13 infraction and subject to a civil fine as specified by the  
14 department. A person who violates a temporary vessel speed limit  
15 established by an emergency management coordinator or sheriff under  
16 subsection (4) is responsible for a municipal civil infraction and  
17 subject to a civil fine as specified by the sheriff or emergency  
18 management coordinator.

19 (6) ~~(3)~~ A person shall not operate a ~~motorboat~~ **vessel** on the  
20 waters of this state at a speed greater than slow-no wake speed or  
21 the minimum speed necessary for the ~~motorboat~~ **vessel** to maintain  
22 forward movement when within 100 feet of the shoreline where the  
23 water depth is less than 3 feet, as determined by vertical  
24 measurement, except in navigable channels not otherwise posted.

25 (7) ~~(4)~~ A person who violates subsection (2) or (3) is  
26 responsible for a state civil infraction and may be ordered to pay  
27 a civil fine of not more than \$500.00, unless 1 of the following  
28 conditions exists:

29 (a) The requirements of this section have been waived as



1 described under subsection ~~(5)~~. **(8)**.

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

5 **(8)** ~~(5)~~—The department may waive the requirements of this  
6 section and section 80156 for marine events authorized by the  
7 department under section 80164.

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
10 05434'19 a) of the 100th Legislature is enacted into law.

