

# HOUSE BILL No. 5554

March 1, 1990, Introduced by Reps. Muxlow, DeBeaussiaert, DeMars, Middaugh, Bartnik, Giese, Hoekman, Randall, Strand, Stacey, Sikkema, Trim, Ostling, Sparks, Power, Walberg, Willis Bullard, Munsell, Alley, Crandall, Krause, DeLange, Allen, Ouwinga, Pridnia, Oxender and Jaye and referred to the Committee on Marine Affairs and Port Development.

A bill to amend section 33 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

as amended by Act No. 133 of the Public Acts of 1989, being section 281.1033 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 33 of Act No. 303 of the Public Acts of  
2 1967, as amended by Act No. 133 of the Public Acts of 1989, being  
3 section 281.1033 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5       Sec. 33. (1) Except as otherwise provided in this section,  
6 the owner of a vessel required to be numbered and to display a  
7 decal shall file an application for a certificate of number with  
8 the secretary of state. Application forms shall be prescribed  
9 and furnished by the secretary of state. If a vessel is sold by

1 a dealer, the application for a certificate of number shall be  
2 combined with the application for a certificate of title if a  
3 certificate of title is required by Act No. 160 of the Public  
4 Acts of 1976, being sections 281.1201 to 281.1223 of the Michigan  
5 Compiled Laws. The certificate of number shall be obtained by  
6 the dealer in the name of the owner. The application shall be  
7 signed by the owner of the vessel. A person shall not file an  
8 application for a certificate of number which contains false  
9 information. A dealer who fails to submit an application as  
10 required by this section is guilty of a misdemeanor ~~and shall be~~  
11 ~~punished~~ PUNISHABLE by a fine of not more than \$100.00, or  
12 imprisoned for not more than 90 days, or both.

13 (2) A dealer who submits an application for a certificate of  
14 number as provided in subsection (1) may issue to the owner of  
15 the vessel a 15-day temporary permit, on forms prescribed by the  
16 secretary of state, for the use of the vessel while the certifi-  
17 cate of number is being issued.

18 (3) A dealer may issue a 15-day permit, on a form prescribed  
19 by the secretary of state, for the use of a vessel purchased in  
20 this state and delivered to the purchaser for removal to a place  
21 outside of this state, if the purchaser certifies by his or her  
22 signature that the vessel will be registered and primarily used  
23 and stored outside of this state and will not be returned to this  
24 state by the purchaser for use or storage. A certificate of  
25 number shall not be issued for a vessel holding a permit under  
26 this subsection.

1 (4) A 15-day temporary permit issued under subsection (2) or  
2 (3) shall not be renewed or extended.

3 (5) A person shall not use or permit the use of a vessel for  
4 which a 15-day temporary permit has been issued under this sec-  
5 tion unless the temporary permit is valid and carried on board  
6 while the vessel is being used and displayed on the vessel as  
7 prescribed by rule promulgated by the department.

8 ~~(6) Except as otherwise provided in subsections (7), (20),~~  
9 ~~and (21) and section 36, beginning January 1, 1989, and until~~  
10 ~~January 1, 1990, an application shall be accompanied by a fee as~~  
11 ~~follows:~~

12 —

13 (a) A 15 day temporary permit issued under	
14 subsection (3).....	\$ <del>10.00</del>
15 (b) Nonpowered vessels except as provided	
16 in section 32.....	<del>6.75</del>
17 (c) Motorboats less than 12 feet in length.	<del>11.25</del>
18 (d) Motorboats 12 feet or over but less	
19 than 16 feet in length.....	<del>13.50</del>
20 (e) Motorboats 16 feet or over but less	
21 than 20 feet in length.....	<del>33.75</del>
22 (f) Motorboats 20 feet or over but less	
23 than 28 feet in length.....	<del>75.00</del>
24 (g) Motorboats 28 feet or over but less	
25 than 35 feet in length.....	<del>135.00</del>
26 (h) Motorboats 35 feet or over but less	
27 than 42 feet in length.....	<del>180.00</del>

1	<del>(i) Motorboats 42 feet or over but less</del>	
2	<del>than 50 feet in length.....</del>	<del>225.00</del>
3	<del>(j) Motorboats 50 feet in length and over..</del>	<del>360.00</del>
4	<del>(k) Pontoon vessels regardless of size.....</del>	<del>22.50</del>
5	<del>(l) Motorized canoes regardless of size....</del>	<del>11.00</del>
6	<del>(m) Vessels licensed under the commercial</del>	
7	<del>fishing law of 1929, Act No. 84 of the Public</del>	
8	<del>Acts of 1929, as amended, being sections 308.1</del>	
9	<del>to 308.51 of the Michigan Compiled Laws.....</del>	<del>15.00</del>
10	<del>(n) Vessels carrying passengers for hire</del>	
11	<del>that are in compliance with the charter and</del>	
12	<del>livery boat safety act, Act No. 244 of the</del>	
13	<del>Public Acts of 1986, being sections 281.571 to</del>	
14	<del>281.595 of the Michigan Compiled Laws, or under</del>	
15	<del>federal law; and vessels carrying passengers and</del>	
16	<del>freight or freight only and owned within this</del>	
17	<del>state or hailing from a port within this state..</del>	<del>45.00</del>
18	(6) <del>(7)</del> Except as otherwise provided in this subsection,	
19	<del>beginning January 1, 1990,</del> an application shall be accompanied	
20	by a fee as follows:	
21		
22	(a) A 15-day temporary permit issued under	
23	subsection (3).....	\$ 10.00
24	(b) Nonpowered vessels except as provided	
25	in section 32.....	<del>8.25</del> 4.50
26	(c) Motorboats less than 12 feet in length.	14.00

1	(d) Motorboats 12 feet or over but less	
2	than 16 feet in length.....	16.75
3	(e) Motorboats 16 feet or over but less	
4	than 20 feet in length.....	41.75
5	(f) Motorboats 20 feet or over but less	
6	than 28 feet in length.....	90.00
7	(g) Motorboats 28 feet or over but less	
8	than 35 feet in length.....	168.00
9	(h) Motorboats 35 feet or over but less	
10	than 42 feet in length.....	244.00
11	(i) Motorboats 42 feet or over but less	
12	than 50 feet in length.....	280.00
13	(j) Motorboats 50 feet in length or over...	448.00
14	(k) Pontoon vessels regardless of size.....	22.50
15	(l) Motorized canoes regardless of size....	14.00
16	(m) Vessels licensed under the commercial	
17	fishing law OF 1929, Act No. 84 of the Public	
18	Acts of 1929, being sections 308.1 to 308.51 of	
19	the Michigan Compiled Laws.....	15.00
20	(n) Vessels carrying passengers for hire	
21	that are in compliance with the charter and	
22	livery boat safety act, Act No. 244 of the	
23	Public Acts of 1986, being sections 281.571 to	
24	281.595 of the Michigan Compiled Laws, or under	
25	federal law; and vessels carrying passengers and	
26	freight or freight only and owned within this	
27	state or hailing from a port within this state..	45.00

1 (o) Beginning January 1, 1991, motorboats  
2 20 feet or over but less than 28 feet in length. 115.00

3 (7) ~~-(8)-~~ The length of a vessel is the distance from end to  
4 end over the deck, excluding the longitudinal upward or downward  
5 curve of the deck, fore and aft. A pontoon boat shall be mea-  
6 sured by the length of its deck, fore and aft.

7 (8) ~~-(9)-~~ Payment of the fee specified by this section  
8 exempts the vessel from the tax imposed by the general property  
9 tax act, Act No. 206 of the Public Acts of 1893, as amended,  
10 being sections 211.1 to 211.157 of the Michigan Compiled Laws.

11 (9) ~~-(10)-~~ Upon receipt of an initial application for a cer-  
12 tificate of number in approved form and payment of the required  
13 fee, the secretary of state shall enter the information upon the  
14 official records and issue to the applicant a certificate of  
15 number containing the number awarded to the vessel, the name and  
16 address of the owner, and other information the secretary of  
17 state considers necessary. The certificate of number shall be  
18 pocket size and legible. When the vessel is in use, the operator  
19 shall present the certificate of number for inspection upon  
20 demand of a law enforcement or conservation officer.

21 (10) ~~-(11)-~~ If a check or draft in payment of a fee or tax  
22 payable to the secretary of state under this act is not paid on  
23 its first presentation, the fee or tax is delinquent as of the  
24 date the draft or check was tendered. The person tendering the  
25 check or draft remains liable for the payment of each fee or tax  
26 and a penalty.

1       (11) ~~(+2)~~ The secretary of state may suspend a certificate  
2 of number when the secretary of state determines that a fee or  
3 tax required by this act has not been paid and remains unpaid  
4 after reasonable notice and demand.

5       (12) ~~(+3)~~ If a fee or tax is still delinquent 15 days  
6 after the secretary of state gives notice to the person tendering  
7 the check or draft, a penalty shall be assessed and collected in  
8 addition to the fee or tax. The penalty shall be \$5.00 or 20% of  
9 the check or draft, whichever is larger.

10      (13) ~~(+4)~~ The certificate of number for vessels less than  
11 26 feet in length and leased or rented to another for the noncom-  
12 mercial use of that person for not more than 24 hours may be  
13 retained on shore by the vessel's owner or the owner's authorized  
14 representative at the place from which the vessel departs or  
15 returns to the possession of the owner or the owner's representa-  
16 tive, if a copy of the lease or rental agreement, signed by the  
17 owner or the owner's authorized representative and by the person  
18 leasing or renting the vessel, is on board. The lease or rental  
19 agreement shall contain BOTH OF THE FOLLOWING:

20      (a) The vessel number that appears on the certificate of  
21 number.

22      (b) The period of time for which the vessel is leased or  
23 rented. When the vessel is in use, the operator shall present  
24 the certificate of number or the lease or rental agreement for  
25 inspection upon demand of a law enforcement or conservation  
26 officer.

1       (14) ~~(15)~~ The owner of a vessel, other than a nonpowered  
2 vessel 12 feet or under in length, having been issued a  
3 certificate of number for the vessel shall paint on or attach in  
4 a permanent manner to each side of the forward half of the vessel  
5 the identifying number in the manner prescribed by rules promul-  
6 gated by the commission. A person, partnership, corporation, or  
7 other entity which rents or leases vessels shall be assigned a  
8 block of numbers sufficient to number consecutively all the ves-  
9 sels which the person, partnership, corporation, or other entity  
10 rents or leases. The number shall be maintained in a legible  
11 condition. A vessel documented by the United States coast guard  
12 or a federal agency that is the successor to the United States  
13 coast guard shall not be required to display numbers under this  
14 act but shall be required to display a decal indicating payment  
15 of the fee prescribed in subsection (6), ~~or (7)~~, and shall oth-  
16 erwise be in compliance with this act.

17       (15) ~~(16)~~ Upon receipt of an application for a certificate  
18 of number in an approved form, and payment of the fee required by  
19 this act, the secretary of state shall issue a decal indicating  
20 that the vessel is numbered in compliance with this act. The  
21 decal shall be color coded and dated to indicate the year the  
22 decal expires. The manner in which the decal is displayed shall  
23 be as prescribed by rule promulgated by the commission.

24       (16) ~~(17)~~ A decal shall be valid for a 3-year period which  
25 begins on April 1 and expires on March 31 of the third year. An  
26 original certificate of number may be issued up to 90 days prior  
27 to April 1. A numbering renewal decal or other renewal device



1 may be issued up to 90 days prior to the expiration of a  
2 certificate. Each currently issued certificate which expires on  
3 December 31, 1989, 1990, or 1991 shall remain effective until  
4 March 31, 1990, 1991, or 1992 as provided in this section.

5 (17) ~~(18)~~ Upon receipt of a request for renewal of a decal  
6 and payment of the fee prescribed in subsection (6), ~~or (7),~~  
7 the secretary of state shall issue to the applicant a decal as  
8 provided in subsection ~~(16)~~ (15).

9 (18) ~~(19)~~ The numbering system adopted pursuant to this  
10 act shall be in accordance with the standard system of numbering  
11 established by the secretary of the department in which the  
12 United States coast guard operates.

13 (19) ~~(20)~~ An agency of this state, a political subdivision  
14 of this state, or a state supported college or university of this  
15 state shall register vessels owned by it and required to be num-  
16 bered under this act and pay a fee of \$3.00 for each vessel.  
17 However, if the vessel is used for recreational, commercial, or  
18 rental purposes, the fees provided in ~~subsections (6) and (7)~~  
19 SUBSECTION (6) shall apply. Upon payment of the fee a certifi-  
20 cate of number shall be issued for the vessel.

21 (20) ~~(21)~~ A vessel manufactured before 1940 and owned  
22 solely as a collector's item and not used other than in club  
23 activities, exhibitions, tours, parades, and other similar activ-  
24 ities is an historic vessel. An historic vessel shall, upon  
25 proper application, be numbered as an historic vessel.  
26 Application forms for certificates of number for historic vessels  
27 shall be available from the secretary of state. The fee for the

1 numbering of an historic vessel shall be 1/3 of the otherwise  
2 applicable fee specified in subsection (6). ~~or (7)~~

3 ~~(22) The provisions of subsections (1) to (5) shall take~~  
4 ~~effect January 1, 1989.~~

5 (21) ~~(23)~~ If a vessel is exempt from registration under  
6 section 32 as amended by ~~the amendatory act that added this~~  
7 ~~subsection~~ ACT NO. 133 OF THE PUBLIC ACTS OF 1989, and if the  
8 owner of the vessel registered the vessel under this section  
9 between March 14, 1988 and ~~the effective date of this~~  
10 ~~subsection~~ JUNE 29, 1989, then that owner shall receive a refund  
11 of the registration fee from the secretary of state. Within 90  
12 days after the refund of the registration fee is made that owner  
13 may request a refund of any tax paid on that vessel under this  
14 act between March 14, 1988 and ~~the effective date of this~~  
15 ~~subsection~~ JUNE 29, 1989.

16 Section 2. This amendatory act shall take effect January 1,  
17 1991.