

HOUSE BILL No. 6084

September 25, 1990, Introduced by Reps. Jondahl, Nye, DeMars and Gubow 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. 59 of the Public Acts of 1990, 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. 59 of the Public Acts of 1990, 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 punishable by
11 a fine of not more than \$100.00, or imprisoned for not more than
12 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 this section, an appli-
9 cation shall be accompanied by a fee as follows:

10	(a) A 15-day temporary permit issued under subsec-	
11	tion (3).....	\$ 10.00
12	(b) Nonpowered vessels, other than nonmotorized	
13	canoes or kayaks, except as provided in section 32.....	8.25
14	(c) Nonmotorized canoes or kayaks except as pro-	
15	vided in section 32.....	4.50
16	(d) Motorboats less than 12 feet in length.....	14.00
17	(e) Motorboats 12 feet or over but less than 16	
18	feet in length.....	16.75
19	(f) Motorboats 16 feet or over but less than 21	
20	feet in length.....	41.75
21	(g) Motorboats 21 feet or over but less than 28	
22	feet in length.....	90.00
23	(h) Motorboats 28 feet or over but less than 35	
24	feet in length.....	168.00
25	(i) Motorboats 35 feet or over but less than 42	
26	feet in length.....	244.00

1	(j) Motorboats 42 feet or over but less than 50	
2	feet in length.....	280.00
3	(k) Motorboats 50 feet in length or over.....	448.00
4	(l) Pontoon vessels regardless of size.....	22.50
5	(m) Motorized canoes regardless of size.....	14.00
6	(n) Vessels licensed under the commercial fishing	
7	law of 1929, Act No. 84 of the Public Acts of 1929,	
8	being sections 308.1 to 308.51 of the Michigan Compiled	
9	Laws.....	15.00
10	(o) Vessels carrying passengers for hire that are	
11	in compliance with the charter and livery boat safety	
12	act, Act No. 244 of the Public Acts of 1986, being sec-	
13	tions 281.571 to 281.595 of the Michigan Compiled Laws,	
14	or under federal law; and vessels carrying passengers	
15	and freight or freight only and owned within this state	
16	or hailing from a port within this state.....	45.00
17	(p) Beginning January 1, 1991, motorboats 21 feet	
18	or over but less than 28 feet in length.....	115.00
19	(7) The length of a vessel is the distance from end to end	
20	over the deck, excluding the longitudinal upward or downward	
21	curve of the deck, fore and aft. A pontoon boat shall be mea-	
22	sured by the length of its deck, fore and aft.	
23	(8) Payment of the fee specified by this section exempts the	
24	vessel from the tax imposed by the general property tax act, Act	
25	No. 206 of the Public Acts of 1893, as amended, being sections	
26	211.1 to 211.157 of the Michigan Compiled Laws.	

1 (9) Upon receipt of an initial application for a certificate
2 of number in approved form and payment of the required fee, the
3 secretary of state shall enter the information upon the official
4 records and issue to the applicant a certificate of number con-
5 taining the number awarded to the vessel, the name and address of
6 the owner, and other information the secretary of state considers
7 necessary. The certificate of number shall be pocket size and
8 legible. When the vessel is in use, the operator shall present
9 the certificate of number for inspection upon demand of a law
10 enforcement or conservation officer.

11 (10) If a check or draft in payment of a fee or tax payable
12 to the secretary of state under this act is not paid on its first
13 presentation, the fee or tax is delinquent as of the date the
14 draft or check was tendered. The person tendering the check or
15 draft remains liable for the payment of each fee or tax and a
16 penalty.

17 (11) The secretary of state may suspend a certificate of
18 number when the secretary of state determines that a fee or tax
19 required by this act has not been paid and remains unpaid after
20 reasonable notice and demand.

21 (12) If a fee or tax is still delinquent 15 days after the
22 secretary of state gives notice to the person tendering the check
23 or draft, a penalty shall be assessed and collected in addition
24 to the fee or tax. The penalty shall be \$5.00 or 20% of the
25 check or draft, whichever is larger.

26 (13) The certificate of number for vessels less than 26 feet
27 in length and leased or rented to another for the noncommercial

1 use of that person for not more than 24 hours may be retained on
2 shore by the vessel's owner or the owner's authorized representa-
3 tive at the place from which the vessel departs or returns to the
4 possession of the owner or the owner's representative, if a copy
5 of the lease or rental agreement, signed by the owner or the
6 owner's authorized representative and by the person leasing or
7 renting the vessel, is on board. The lease or rental agreement
8 shall contain both of the following:

9 (a) The vessel number that appears on the certificate of
10 number.

11 (b) The period of time for which the vessel is leased or
12 rented. When the vessel is in use, the operator shall present
13 the certificate of number or the lease or rental agreement for
14 inspection upon demand of a law enforcement or conservation
15 officer.

16 (14) The owner of a vessel, other than a nonpowered vessel
17 12 feet or under in length, having been issued a certificate of
18 number for the vessel shall paint on or attach in a permanent
19 manner to each side of the forward half of the vessel the identi-
20 fying number in the manner prescribed by rules promulgated by the
21 commission. A person, partnership, corporation, or other entity
22 which rents or leases vessels shall be assigned a block of num-
23 bers sufficient to number consecutively all the vessels which the
24 person, partnership, corporation, or other entity rents or
25 leases. The number shall be maintained in a legible condition.
26 A vessel documented by the United States coast guard or a federal
27 agency that is the successor to the United States coast guard

1 shall not be required to display numbers under this act but shall
2 be required to display a decal indicating payment of the fee pre-
3 scribed in subsection (6), and shall otherwise be in compliance
4 with this act.

5 (15) Upon receipt of an application for a certificate of
6 number in an approved form, and payment of the fee required by
7 this act, the secretary of state shall issue a decal indicating
8 that the vessel is numbered in compliance with this act. The
9 decal shall be color coded and dated to indicate the year the
10 decal expires. The manner in which the decal is displayed shall
11 be as prescribed by rule promulgated by the commission.

12 (16) A decal ~~shall be~~ IS valid for a 3-year period which
13 begins on April 1 and expires on March 31 of the third year. An
14 original certificate of number may be issued up to 90 days prior
15 to April 1. A numbering renewal decal or other renewal device
16 may be issued up to 90 days prior to the expiration of a
17 certificate. Each currently issued certificate which expires on
18 December 31, 1989, 1990, or 1991 shall remain effective until
19 March 31, 1990, 1991, or 1992 as provided in this section.

20 (17) Upon receipt of a request for renewal of a decal and
21 payment of the fee prescribed in subsection (6), the secretary of
22 state shall issue to the applicant a decal as provided in subsec-
23 tion (15).

24 (18) The numbering system adopted pursuant to this act shall
25 be in accordance with the standard system of numbering estab-
26 lished by the secretary of the department in which the United
27 States coast guard operates.

1 (19) An agency of this state, a political subdivision of
2 this state, or a state supported college or university of this
3 state shall register vessels owned by it and required to be num-
4 bered under this act and pay a fee of \$3.00 for each vessel.
5 However, if the vessel is used for recreational, commercial, or
6 rental purposes, the fees provided in subsection (6) shall
7 apply. Upon payment of the fee a certificate of number shall be
8 issued for the vessel.

9 (20) A vessel manufactured before 1940 and owned solely as a
10 collector's item and not used other than in club activities,
11 exhibitions, tours, parades, and other similar activities is an
12 historic vessel. An historic vessel shall, upon proper applica-
13 tion, be numbered as an historic vessel. Application forms for
14 certificates of number for historic vessels shall be available
15 from the secretary of state. The fee for the numbering of an
16 historic vessel shall be 1/3 of the otherwise applicable fee
17 specified in subsection (6).

18 (21) If the owner of a nonmotorized canoe or kayak regis-
19 tered that vessel under this act between January 1, 1989 and the
20 effective date of this subsection, upon application to the secre-
21 tary of state, that person shall receive a refund of a portion of
22 the registration fee equal to the difference in the amount that
23 owner paid and the fee amount provided in subsection (6)(c).

24 (22) THE DEPARTMENT SHALL REFUND TO THE OWNER OF A VESSEL
25 REGISTERED UNDER THIS ACT ALL OF THE REGISTRATION FEE PAID PURSU-
26 ANT TO THIS SECTION IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

1 (A) THE OWNER TRANSFERS OR ASSIGNS TITLE OR INTEREST IN THE
2 REGISTERED VESSEL BEFORE PLACING THE DECAL ISSUED UNDER
3 SUBSECTION (15) ON THE VESSEL.

4 (B) THE OWNER SURRENDERS THE DECAL TO THE SECRETARY OF STATE
5 WITHIN 30 DAYS AFTER THE DATE OF TRANSFER OR ASSIGNMENT.