

Act No. 115
Public Acts of 1992
Approved by the Governor
June 25, 1992
Filed with the Secretary of State
June 26, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Bartnik, Weeks, Brackenridge, Hoffman, Horton, Hoekman, Leland, Alley, Dobronski, DeMars, Harder, Bodem, Nye and Bobier

ENROLLED HOUSE BILL No. 4750

AN ACT to amend sections 3, 12, and 24 of Act No. 244 of the Public Acts of 1986, entitled as amended "An act to provide for the regulation, inspection, and licensing of charter boats and livery boats; to protect the safety and welfare of persons utilizing charter boats and livery boats; to prescribe duties of certain departments; to authorize the department of natural resources to prescribe standards and promulgate rules; to provide for the distribution of funds; to provide for the seizure and condemnation of certain vessels; to impose duties on certain insurance carriers; to prescribe penalties; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," being sections 281.573, 281.582, and 281.594 of the Michigan Compiled Laws; and to add section 8b.

The People of the State of Michigan enact:

Section 1. Sections 3, 12, and 24 of Act No. 244 of the Public Acts of 1986, being sections 281.573, 281.582, and 281.594 of the Michigan Compiled Laws, are amended and section 8b is added to read as follows:

Sec. 3. (1) A person shall not rent or lease, or offer to rent or lease, a charter boat and a person shall not carry passengers for hire on a vessel on the waters of this state unless all of the following conditions are satisfied:

(a) The department has inspected the vessel, if required by this act, and has issued a certificate of inspection that is valid and current for the vessel.

(b) The operator of the vessel is a licensed pilot or is under the direct supervision of a licensed pilot who is on board the vessel.

(c) The person complies with the reporting requirements of section 8b.

(2) The licensed pilot of a charter boat shall possess a valid and current pilot's license issued in his or her name and shall immediately display that license upon demand of any peace officer.

(3) A person shall not operate a charter boat that carries 7 or more passengers on navigable waters without first obtaining a current vessel inspection certificate and a pilot's license from the United States coast guard or other federal agency.

Sec. 8b. (1) The department may research the availability of fish in the waters of this state that are utilized by charter boats.

(2) The department shall form a catch activity committee that is composed of 2 individuals from the department and 2 representatives from the Michigan charter boat association. The catch activity committee shall do all of the following:

(a) Develop a monthly catch activity report form that pertains to the number, type, and location of fish taken from charter boats in this state.

(b) Plan and prioritize research concerning the information gathered pursuant to this section.

(3) The department shall distribute to each charter boat operator in this state the monthly catch activity report form developed under subsection (2) and each charter boat operator engaged in fishing shall complete and maintain that form in the manner prescribed in subsection (5).

(4) The department shall compile an annual report based upon information contained in those monthly catch activity report forms submitted to the department pursuant to subsection (5). The annual report shall not disclose the identity of a charter boat operator who provides information pursuant to subsection (5).

(5) A charter boat operator engaged in fishing shall do each of the following:

(a) Maintain on board each charter boat under his or her control a daily record of all catch activity of that charter boat for the current calendar month.

(b) Make available for inspection the daily catch activity records required to be maintained under this subsection upon the request of a peace officer.

(c) Complete a monthly catch activity report form provided by the department for each charter boat under his or her control.

(d) Sign, date, and submit to the director of the department, on or before the tenth day of each month, a monthly catch activity report form completed by that charter boat operator for each charter boat under his or her control that was engaged in fishing during the previous month.

(e) The operator of a charter boat that is used for fishing on 2 or more bodies of water within a calendar month shall complete for that charter boat a separate monthly catch activity report form for each body of water fished, and shall sign, date, and submit each form to the director of the department in the manner prescribed by this section.

(f) If a charter boat operator engaged in fishing does not submit to the director of the department a completed monthly catch activity report form within 30 days after that form is required to be delivered to the director of the department, the department shall notify that charter boat operator of his or her noncompliance with this section. If a charter boat operator engaged in fishing fails to return a completed monthly catch activity report form for a vessel within 60 days after that form is required to be delivered to the department, the department may revoke the state certificate of inspection issued for that vessel.

Sec. 12. (1) A person denied a state pilot's license or the owner of a charter boat for which a certificate of inspection has been denied or revoked may petition the department for an evidentiary hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) A person who owns a charter boat may petition the department for an evidentiary hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, regarding the determination of the maximum passenger, crew, or total person capacity of the charter boat.

(3) A person who is aggrieved by the decision of the department under subsection (1) or (2) may appeal the action of the department in the manner provided in chapter 6 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.301 to 24.306 of the Michigan Compiled Laws.

Sec. 24. (1) Except for the reporting requirements of section 8b, this act does not apply to a vessel that is required to be inspected by federal law or regulations for the purposes of carrying passengers for hire and that carries a valid and current certificate of inspection issued pursuant to federal law.

(2) This act does not require a person to secure a state pilot's license if that person has been issued a valid and current federal pilot's license from the United States coast guard or other federal agency.

(3) This act does not apply to a vessel 20 feet or less in length that is used primarily for training or instructional purposes and not used at any time as a charter boat or a livery boat.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.