

HOUSE BILL No. 5057

August 1, 1991, Introduced by Reps. Dalman, Bartnik, Bobier, Weeks, McNutt, Middleton, Baade, Muxlow, Hoekman, Dresch, Rocca, Dobb and Hillegonds 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~~ THE SECRETARY OF
9 STATE shall ~~be prescribed~~ PRESCRIBE and ~~furnished by the~~

1 ~~secretary of state~~ FURNISH APPLICATION FORMS. If a vessel is
2 sold by a dealer, THAT DEALER SHALL COMBINE the application for a
3 certificate of number ~~shall be combined~~ with the application
4 for a certificate of title if a certificate of title is required
5 by Act No. 160 of the Public Acts of 1976, being sections
6 281.1201 to 281.1223 of the Michigan Compiled Laws. The DEALER
7 SHALL OBTAIN THE certificate of number ~~shall be obtained by the~~
8 ~~dealer~~ in the name of the owner. The ~~application shall be~~
9 ~~signed by the~~ owner of the vessel SHALL SIGN THE APPLICATION. A
10 person shall not file an application for a certificate of number
11 ~~which~~ THAT contains false information. A dealer who fails to
12 submit an application as required by this section is guilty of a
13 misdemeanor punishable by a fine of not more than \$100.00, or
14 ~~imprisoned~~ IMPRISONMENT for not more than 90 days, or both.

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

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

1 number shall not be issued for a vessel holding a permit under
2 this subsection.

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

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

10 (6) Except as otherwise provided in this section, an
11 ~~application~~ APPLICANT shall ~~be accompanied by a fee as~~
12 ~~follows~~ PAY THE FOLLOWING FEE AT THE TIME OF APPLICATION:

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

1	(h) Motorboats 28 feet or over but less than 35	
2	feet in length.....	168.00
3	(i) Motorboats 35 feet or over but less than 42	
4	feet in length.....	244.00
5	(j) Motorboats 42 feet or over but less than 50	
6	feet in length.....	280.00
7	(k) Motorboats 50 feet in length or over.....	448.00
8	(l) Pontoon vessels regardless of size.....	22.50
9	(m) Motorized canoes regardless of size.....	14.00
10	(n) Vessels licensed under the commercial fishing	
11	law of 1929, Act No. 84 of the Public Acts of 1929,	
12	being sections 308.1 to 308.51 of the Michigan Compiled	
13	Laws.....	15.00
14	(o) Vessels carrying passengers for hire that are	
15	in compliance with the charter and livery boat safety	
16	act, Act No. 244 of the Public Acts of 1986, being sec-	
17	tions 281.571 to 281.595 of the Michigan Compiled Laws,	
18	or under federal law; and vessels carrying passengers	
19	and freight or freight only and owned within this state	
20	or hailing from a port within this state.....	45.00
21	(p) Beginning January 1, 1991, motorboats 21 feet	
22	or over but less than 28 feet in length.....	115.00
23	(7) The length of a vessel is the distance from end to end	
24	over the deck, excluding the longitudinal upward or downward	
25	curve of the deck, fore and aft. A pontoon boat shall be mea-	
26	sured by the length of its deck, fore and aft.	

1 (8) Payment of the fee specified by this section exempts the
2 vessel from the tax imposed by the general property tax act, Act
3 No. 206 of the Public Acts of 1893, as amended, being sections
4 211.1 to 211.157 of the Michigan Compiled Laws.

5 (9) Upon receipt of an initial application for a certificate
6 of number in approved form and payment of the required fee, the
7 secretary of state shall enter the information upon the official
8 records and issue to the applicant a certificate of number con-
9 taining the number awarded to the vessel, the name and address of
10 the owner, and other information THAT the secretary of state con-
11 siderers necessary. The SECRETARY OF STATE SHALL ISSUE A certifi-
12 cate of number ~~shall be~~ THAT IS pocket size and legible.

13 ~~when~~ IF the vessel is in use, the operator shall present the
14 certificate of number for inspection upon demand of a law
15 enforcement or conservation officer.

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

22 (11) The secretary of state may suspend a certificate of
23 number ~~when~~ IF the secretary of state determines that a fee or
24 tax required by this act has not been paid and remains unpaid
25 after reasonable notice and demand.

26 (12) If a fee or tax is ~~still~~ delinquent 15 days after the
27 secretary of state gives notice to the person tendering the check

1 or draft, ~~a penalty shall be assessed and collected~~. THE
2 SECRETARY OF STATE SHALL ASSESS AND COLLECT, in addition to the
3 fee or tax, ~~— The penalty shall be~~ A PENALTY THAT IS \$5.00 or
4 20% of the check or draft, whichever is larger.

5 (13) The certificate of number for vessels less than 26 feet
6 in length and leased or rented to another for the noncommercial
7 use of that person for not more than 24 hours may be retained on
8 shore by the vessel's owner or the owner's authorized representa-
9 tive at the place from which the vessel departs or returns to the
10 possession of the owner or the owner's representative, if a copy
11 of the lease or rental agreement, signed by the owner or the
12 owner's authorized representative and by the person leasing or
13 renting the vessel, is on board. The lease or rental agreement
14 shall contain both of the following:

15 (a) The vessel number that appears on the certificate of
16 number.

17 (b) The period of time for which the vessel is leased or
18 rented. ~~When~~ IF the vessel is in use, the operator shall
19 present the certificate of number or the lease or rental agree-
20 ment for inspection upon demand of a law enforcement or conserva-
21 tion officer.

22 (14) The owner of a vessel, other than a nonpowered vessel
23 12 feet or under in length, having been issued a certificate of
24 number for the vessel shall paint on or attach in a permanent
25 manner to each side of the forward half of the vessel the identi-
26 fying number in the manner prescribed by rules promulgated by the
27 commission. A person, partnership, corporation, or other entity

1 ~~which~~ THAT rents or leases vessels shall be assigned a block of
 2 numbers sufficient to number consecutively all the vessels
 3 ~~which~~ THAT the person, partnership, corporation, or other
 4 entity rents or leases. The number shall be maintained in a leg-
 5 ible condition. A vessel documented by the United States coast
 6 guard or a federal agency that is the successor to the United
 7 States coast guard ~~shall~~ IS not ~~be~~ required to display num-
 8 bers under this act but ~~shall be~~ IS required to display a decal
 9 indicating payment of the fee prescribed in subsection (6), and
 10 ~~shall~~ IS otherwise ~~be in compliance~~ REQUIRED TO COMPLY with
 11 this act.

12 (15) Upon receipt of an application for a certificate of
 13 number in an approved form, and payment of the fee required by
 14 this act, the secretary of state shall issue a decal ~~indicating~~
 15 THAT IS COLOR CODED AND DATED TO IDENTIFY THE YEAR OF ITS EXPIRA-
 16 TION, AND INDICATES that the vessel is numbered in compliance
 17 with this act. ~~The decal shall be color coded and dated to~~
 18 ~~indicate the year the decal expires.~~ The COMMISSION SHALL
 19 PROMULGATE A RULE OR RULES TO ESTABLISH THE manner in which the
 20 decal is TO BE displayed. ~~shall be as prescribed by rule~~
 21 ~~promulgated by the commission.~~

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

1 ~~which~~ THAT expires on December 31, 1989, 1990, or 1991 shall
 2 remain effective until March 31, 1990, 1991, or 1992 as provided
 3 in this section.

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

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

12 (19) An agency of this state, a political subdivision of
 13 this state, or a state supported college or university of this
 14 state shall register ~~vessels~~ EACH VESSEL owned by it and
 15 required to be numbered under this act and ~~pay~~ DO THE
 16 FOLLOWING:

17 (A) PAY A fee of \$3.00 for each vessel ~~. However, if the~~
 18 ~~vessel is~~ THAT IS NOT used for recreational, commercial, or
 19 rental purposes. ~~, the fees~~

20 (B) PAY A FEE AS provided in subsection (6) ~~shall apply.~~
 21 ~~Upon payment of the fee~~ FOR EACH VESSEL THAT IS USED FOR RECREA-
 22 TIONAL, COMMERCIAL, OR RENTAL PURPOSES.

23 (20) THE SECRETARY OF STATE SHALL, UPON RECEIPT OF PAYMENT
 24 OF THE FEE REQUIRED UNDER SUBSECTION (19), ISSUE a certificate of
 25 number ~~shall be issued for the vessel~~ FOR EACH VESSEL SUBJECT
 26 TO SUBSECTION (19).

1 (21) ~~-(20)-~~ A vessel manufactured before 1940 and owned
 2 solely as a collector's item and not used other than in club
 3 activities, exhibitions, tours, parades, and other similar activ-
 4 ities is an historic vessel. An historic vessel shall, upon
 5 ~~proper~~ application, be numbered as an historic vessel.

6 ~~Application forms~~ AN APPLICATION FORM for ~~certificates~~ A
 7 CERTIFICATE of number for AN historic ~~vessels shall be~~ VESSEL
 8 IS available from the secretary of state. The fee for the num-
 9 bering of an historic vessel ~~shall be~~ IS 1/3 of the ~~otherwise~~
 10 ~~applicable~~ fee specified in subsection (6).

11 (22) ~~-(21)-~~ If the owner of a nonmotorized canoe or kayak
 12 registered that vessel under this act between January 1, 1989 and
 13 the effective date of this subsection, upon application to the
 14 secretary of state, that person shall receive a refund of a por-
 15 tion of the registration fee equal to the difference in the
 16 amount that owner paid and the fee amount provided in subsection
 17 (6)(c).

18 (23) THE DEPARTMENT SHALL REFUND TO THE OWNER OF A VESSEL
 19 REGISTERED UNDER THIS ACT ALL OF THE REGISTRATION FEE PAID PURSU-
 20 ANT TO THIS SECTION IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

21 (A) THE OWNER TRANSFERS OR ASSIGNS TITLE OR INTEREST IN THE
 22 REGISTERED VESSEL BEFORE PLACING THE DECAL ISSUED UNDER
 23 SUBSECTION (15) ON THE VESSEL.

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

26 (24) THE DEPARTMENT SHALL REFUND TO THE SURVIVING SPOUSE OF
 27 A DECEASED VESSEL OWNER THE REGISTRATION FEE PAID PURSUANT TO

1 THIS ACT, PRORATED ON A MONTHLY BASIS, UPON RECEIPT OF THE DECAL
2 ISSUED UNDER SUBSECTION (15).