

Act No. 268  
Public Acts of 1993  
Approved by the Governor  
December 22, 1993  
Filed with the Secretary of State  
December 28, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

Introduced by Senators DiNello, Hart, O'Brien, Pridnia and Dunaskiss

# **ENROLLED SENATE BILL No. 683**

AN ACT to amend sections 31, 33, and 161 of Act No. 303 of the Public Acts of 1967, entitled as amended "An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; and to provide for penalties," section 31 as amended by Act No. 133 of the Public Acts of 1989, section 33 as amended by Act No. 39 of the Public Acts of 1993, and section 161 as amended by Act No. 301 of the Public Acts of 1992, being sections 281.1031, 281.1033, and 281.1161 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 31, 33, and 161 of Act No. 303 of the Public Acts of 1967, section 31 as amended by Act No. 133 of the Public Acts of 1989, section 33 as amended by Act No. 39 of the Public Acts of 1993, and section 161 as amended by Act No. 301 of the Public Acts of 1992, being sections 281.1031, 281.1033, and 281.1161 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 31. (1) Except as otherwise provided in this act, a person shall not operate or give permission for the operation of a vessel of any length on the waters of this state unless the fees prescribed in section 33 for the vessel are paid, the certificate of number assigned to the vessel is on board and is in full force and effect, and, except for the following, the identifying number and decal are displayed on each side of the forward half of the vessel in accordance with this act and the rules promulgated by the department:

(a) A decal and identifying numbers for a wooden hull and historic vessel as that term is defined in section 33 may be displayed in the manner described in section 36(2).

(b) A decal for an inflatable boat may be displayed on the transom of the boat.

(2) If a vessel is actually numbered in another state of principal use in accordance with a federally approved numbering system, it is in compliance with the numbering requirements of this state while it is temporarily being used in this state. This subsection applies to a vessel for which a valid temporary certificate is issued to the vessel's owner by the issuing authority of the state in which the vessel is principally used.

(3) If a vessel is removed to this state as the new state of principal use, a number awarded by any other issuing authority is valid for not more than 60 days before numbering is required by this state.

Sec. 33. (1) Except as otherwise provided in this section, the owner of a vessel required to be numbered and to display a decal shall file an application for a certificate of number with the secretary of state. The secretary of state shall prescribe and furnish certificate of title application forms. If a vessel requiring a certificate of title under Act No. 160 of the Public Acts of 1976, being sections 281.1201 to 281.1223 of the Michigan Compiled Laws, is sold by a dealer, that dealer shall combine the application for a certificate of number that is signed by the vessel owner with the application for a certificate of title. The dealer shall obtain the certificate of number in the name of the owner. The owner of the vessel shall sign the application. A person shall not file an application for a certificate of number that contains false information. A dealer who fails to submit an application as required by this section is guilty of a misdemeanor punishable by a fine of not more than \$100.00, or imprisonment for not more than 90 days, or both.

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

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

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

(5) A person shall operate or permit the operation of a vessel for which a 15-day temporary permit has been issued under this section only if the temporary permit is valid and displayed on the vessel as prescribed by rule promulgated by the department.

(6) Except as otherwise provided in this section, an applicant shall pay the following fee at the time of application:

(a) A 15-day temporary permit issued under subsection (3).....	\$ 10.00
(b) Nonpowered vessels, other than nonmotorized canoes or kayaks, except as provided in section 32 .....	9.00
(c) Nonmotorized canoes or kayaks except as provided in section 32.....	5.00
(d) Motorboats less than 12 feet in length.....	14.00
(e) Motorboats 12 feet or over but less than 16 feet in length .....	17.00
(f) Motorboats 16 feet or over but less than 21 feet in length.....	42.00
(g) Motorboats 21 feet or over but less than 28 feet in length.....	115.00
(h) Motorboats 28 feet or over but less than 35 feet in length.....	168.00
(i) Motorboats 35 feet or over but less than 42 feet in length.....	244.00
(j) Motorboats 42 feet or over but less than 50 feet in length.....	280.00
(k) Motorboats 50 feet in length or over.....	448.00
(l) Pontoon vessels regardless of size.....	23.00
(m) Motorized canoes regardless of size .....	14.00
(n) Vessels licensed under the commercial fishing law of 1929, Act No. 84 of the Public Acts of 1929, being sections 308.1 to 308.51 of the Michigan Compiled Laws .....	15.00
(o) Vessels carrying passengers for hire that are in compliance with the charter and livery boat safety act, Act No. 244 of the Public Acts of 1986, being sections 281.571 to 281.595 of the Michigan Compiled Laws, or under federal law; and vessels carrying passengers and freight or freight only and owned within this state or hailing from a port within this state.....	45.00

(7) The length of a vessel is the distance from end to end over the deck, excluding the longitudinal upward or downward curve of the deck, fore and aft. A pontoon boat shall be measured by the length of its deck, fore and aft.

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

(9) Upon receipt of an initial application for a certificate of number in approved form and payment of the required fee, the secretary of state shall enter the information upon the official records and issue to the applicant a certificate of

number containing the number awarded to the vessel, the name and address of the owner, and other information that the secretary of state determines necessary. The secretary of state shall issue a certificate of number that is pocket size and legible. Except as provided in subsection (13), a person operating a vessel shall present that vessel's certificate of number to a peace officer upon the peace officer's request.

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

(11) Upon determining that a fee or tax required by this act has not been paid and remains unpaid after reasonable notice and demand, the secretary of state may suspend a certificate of number.

(12) If a person who tenders a check or draft described in subsection (10) fails to pay a fee or tax within 15 days after the secretary of state gives him or her notice that the check or draft described in subsection (10) was not paid on its first presentation, the secretary of state shall assess and collect a penalty of \$5.00 or 20% of the check or draft, whichever is larger, in addition to the fee or tax.

(13) The owner or authorized agent of the owner of a vessel less than 26 feet in length that is leased or rented to a person for noncommercial use for not more than 24 hours may retain, at the place from which the vessel departs or returns to the possession of the owner or the owner's representative, the certificate of number for that vessel if a copy of the lease or rental agreement is on the vessel. Upon the demand of a peace officer, the operator shall produce for inspection either the certificate of number or a copy of the lease or rental agreement for that vessel. The lease or rental agreement shall contain each of the following:

- (a) The vessel number that appears on the certificate of number.
- (b) The period of time for which the vessel is leased or rented.
- (c) The signature of the vessel's owner or that person's authorized agent.
- (d) The signature of the person leasing or renting the vessel.

(14) Upon receipt of a certificate of number for a vessel, the owner of that vessel shall paint on or attach in a permanent manner to each side of the forward half of the vessel the number identified in the certificate of number, in the manner prescribed by rules promulgated by the department. The secretary of state shall assign to the owner of vessels for rent or lease a block of numbers sufficient to number consecutively all of that owner's rental or lease vessels. The owner shall maintain the numbers in a legible condition. A vessel documented by the United States coast guard or a federal agency that is the successor to the United States coast guard is not required to display numbers under this act but shall display a decal indicating payment of the fee prescribed in subsection (6), and shall otherwise be in compliance with this act. This subsection does not apply to a nonpowered vessel 12 feet or less in length.

(15) Upon receipt of an application for a certificate of number in an approved form, and payment of the fee required by this act, the secretary of state shall issue a decal that is color coded and dated to identify the year of its expiration, and indicates that the vessel is numbered in compliance with this act. The department shall promulgate a rule or rules to establish the manner in which the decal is to be displayed.

(16) A decal is valid for a 3-year period that begins on April 1 and expires on March 31 of the third year. An original certificate of number may be issued up to 90 days prior to April 1. A numbering renewal decal or other renewal device may be issued up to 90 days prior to the expiration of a certificate.

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

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

(19) An agency of this state, a political subdivision of this state, or a state supported college or university of this state that owns a vessel that is required to be numbered under this act shall register that vessel and upon payment of either of the following shall receive from the secretary of state a certificate of number for that vessel:

- (a) A fee of \$3.00 for a vessel that is not used for recreational, commercial, or rental purposes.
- (b) The fee required under subsection (6) for a vessel that is used for recreational, commercial, or rental purposes.

(20) The secretary of state shall, upon receipt of payment of the fee required under subsection (19), issue a certificate of number for each vessel subject to subsection (19).

(21) A vessel that is 30 years of age or older and not used other than in club activities, exhibitions, tours, parades, and other similar activities is an historic vessel. The secretary of state shall make available to the public application forms for certificates of number for historic vessels, and upon receipt of a completed application form and fee shall number an historic vessel as an historic vessel. The fee for the numbering of an historic vessel is 1/3 of the otherwise applicable fee specified in subsection (6).

(22) Upon application to the secretary of state, the owner of a nonmotorized canoe or kayak who registered that vessel under this act between January 1, 1989 and April 17, 1990 shall receive a refund of a portion of the registration fee equal to the difference in the amount that owner paid and the fee amount provided in subsection (6)(c).

(23) The secretary of state shall refund to the owner of a vessel registered under this act all of the registration fee paid for that vessel pursuant to this section if all of the following conditions are met during the period for which the registration fee was paid:

(a) The owner transfers or assigns title or interest in the registered vessel before placing the decal issued under subsection (15) on the vessel.

(b) The owner surrenders the unused decal to the secretary of state within 30 days after the date of transfer or assignment.

(24) The secretary of state shall refund to the surviving spouse of a deceased vessel owner the registration fee paid pursuant to this act, prorated on a monthly basis, upon receipt of the decal issued under subsection (15) or evidence satisfactory to the secretary of state that the decal issued under subsection (15) has been destroyed or voided.

(25) If the secretary of state computes a fee under this act that results in a figure other than a whole dollar amount, the secretary of state shall round the figure to the nearest whole dollar.

Sec. 161. (1) Upon the direction of a peace officer, the operator of a vessel moving on the waters of this state shall immediately bring the vessel to a stop or maneuver it in a manner that permits the peace officer to come beside the vessel. The operator of the vessel and any person on the vessel shall do the following upon the request of the peace officer:

(a) Provide his or her correct name and address.

(b) Exhibit the certificate of number awarded for the vessel.

(c) If the vessel does not bear a decal described in subsection (3), submit to a reasonable inspection of the vessel and to a reasonable inspection and test of the equipment of the vessel.

(2) Each police chief, the director of the law enforcement division of the department, the director of the department of state police, and each sheriff shall issue a book containing both of the following to each peace officer in his or her department whose duties may include enforcement of marine law:

(a) Adhesive copies of a uniform marine safety inspection decal described in subsection (3).

(b) Receipts for each uniform inspection decal copy.

(3) The department shall create and each calendar year make available to persons described in subsection (2) adhesive copies of a uniform marine safety inspection decal that is each of the following:

(a) Effective for 1 calendar year.

(b) Of a distinct color that is changed each calendar year.

(c) Attachable to a vessel and bearing language that substantially complies with the following: "This vessel has been inspected by \_\_\_\_\_ on \_\_\_\_\_ and is in compliance with the equipment and registration requirements of the marine safety act, Act No. 303 of the Public Acts of 1967."

(4) A peace officer who conducts an inspection of a vessel authorized under this section shall include in that inspection a reasonable examination and test of the equipment on that vessel. If the peace officer does not find a violation of a marine law, he or she shall affix to the vessel an adhesive copy of the uniform marine safety inspection decal described in subsection (3) and shall complete a receipt for that decal.

(5) A completed receipt for a decal shall include all of the following:

(a) The name of the peace officer.

(b) The time, date, and place of the inspection.

(c) The vessel's identifying number.

(6) A peace officer shall deliver to his or her supervisor or person designated by that supervisor a receipt for a decal within 48 hours of affixing the decal to a vessel. The supervisor or person designated by the supervisor shall maintain receipts received under this section for a period of 1 year.

(7) Except for inspection of a vessel to determine the number and adequacy of personal flotation devices on that vessel, a peace officer shall not stop and inspect a vessel bearing the decal described in this section during the period the decal remains in effect unless that peace officer has probable cause to believe the vessel or the vessel's operator is in violation of a marine law.

(8) A person who is detained for a violation of this act or of a local ordinance substantially corresponding to a provision of this act and who furnishes a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person is guilty of a misdemeanor.

(9) A peace officer who observes a marine law violation may immediately arrest the person without a warrant, or issue to the person a written or verbal warning.

Section 2. This amendatory act shall take effect April 1, 1994.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

- (a) Senate Bill No. 684.
- (b) Senate Bill No. 685.
- (c) Senate Bill No. 686.

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Secretary of the Senate.

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Co-Clerk of the House of Representatives.

Approved -----

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Governor.