

Act No. 271
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 O'Brien, DiNello, Hart, Pridnia and Dunaskiss

ENROLLED SENATE BILL No. 686

AN ACT to amend sections 2, 4, 6, 8, and 23 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 2 as amended by Act No. 56 of the Public Acts of 1988 and section 8 as amended by Act No. 183 of the Public Acts of 1990, being sections 281.1002, 281.1004, 281.1006, 281.1008, and 281.1023 of the Michigan Compiled Laws; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 2, 4, 6, 8, and 23 of Act No. 303 of the Public Acts of 1967, section 2 as amended by Act No. 56 of the Public Acts of 1988 and section 8 as amended by Act No. 183 of the Public Acts of 1990, being sections 281.1002, 281.1004, 281.1006, 281.1008, and 281.1023 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2. As used in this act:

(a) "Anchored rafts" means all types of nonpowered rafts used for recreational purposes that are anchored seasonally on waters of this state.

(b) "Associated equipment" means any of the following that are not radio equipment:

(i) An original system, part, or component of a boat at the time that boat was manufactured, or a similar part or component manufactured or sold for replacement.

(ii) Repair or improvement of an original or replacement system, part, or component.

(iii) An accessory or equipment for, or appurtenance to, a boat.

(iv) A marine safety article, accessory, or equipment intended for use by a person on board a boat.

(c) "Boat" means a vessel.

(d) "Boat livery" means a business that holds a vessel for renting, leasing, or chartering.

(e) "Commission" means the commission of natural resources.

(f) "Controlled substance" means that term as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws.

(g) "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, a finding of guilt, or a probate court disposition on a violation of this act, regardless of whether the penalty is rebated or suspended.

Sec. 4. As used in this act:

(a) "Dealer" means a person and an authorized representative of that person who annually purchases from a manufacturer, or who is engaged in selling or manufacturing, 6 or more vessels that require certificates of number under this act.

(b) "Department" means the director of the department of natural resources or his or her designee.

(c) "Director" means the director of the department of natural resources.

(d) "Identification document" means any of the following:

(i) A valid Michigan operator's or chauffeur's license.

(ii) A valid driver's or chauffeur's license issued by an agency, department, or bureau of the United States or another state.

(iii) An official identification card issued by an agency, department, or bureau of the United States, this state, or another state.

(iv) An official identification card issued by a political subdivision of this state or another state.

(e) "Issuing authority" means the United States coast guard or a state that has a numbering system approved by the United States coast guard.

(f) "Law of another state" means a law or ordinance enacted by another state or by a local unit of government in another state.

(g) "Lifeboat" means a small boat designated and used solely for lifesaving purposes, and does not include a dinghy, tender, speedboat, or other type of craft that is not carried aboard a vessel for lifesaving purposes.

(h) "Long-term incapacitating injury" means an injury that causes serious impairment of a body function.

Sec. 6. As used in this act:

(a) "Manufacturer" means a person engaged in any of the following:

(i) The manufacture, construction, or assembly of boats or associated equipment.

(ii) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.

(iii) The importation of a boat or associated equipment into the state for sale.

(b) "Marine law" means this act or a local ordinance adopted in conformity with this act, or rule promulgated pursuant to this act.

(c) "Marine safety program" means marine law enforcement, search and rescue operations, water safety education, recovery of drowned bodies, and boat livery inspections.

(d) "Michigan vehicle code" means Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(e) "Motorboat" means a vessel propelled wholly or in part by machinery.

(f) "Operate" means to be in control of a vessel while the vessel is underway and is not secured in some manner such as being docked or at anchor.

(g) "Operator" means the person who is in control or in charge of a vessel while that vessel is underway.

(h) "Owner" means a person who claims or is entitled to lawful possession of a vessel by virtue of that person's legal title or equitable interest in a vessel.

Sec. 8. As used in this act:

(a) "Passenger" means a person carried on board a vessel other than any of the following:

(i) The owner or his or her representative.

(ii) The operator.

(b) "Peace officer" means every full- or part-time sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; any officer of the Michigan state police; or any other police officer or law enforcement officer who is trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws, and includes the director of the department and conservation officers employed by the department.

(c) "Person" means an individual, partnership, firm, corporation, company, association, or governmental entity, and includes a trustee, receiver, assignee, or similar representative of any of them.

- (d) "Personal watercraft" means a vessel that meets all of the following requirements:
- (i) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion.
 - (ii) Is designed without an open load carrying area that would retain water.
 - (iii) Is designed to be operated by 1 or more persons positioned on, rather than within, the confines of the hull.
- (e) "Political subdivision" means any county, metropolitan authority, city, village, township, or combination thereof in this state. Whenever a body of water is located in more than 1 political subdivision, all of the subdivisions shall act individually in order to comply with the provisions of this act, except if the problem is confined to a specific area of the body of water only the political subdivision in which the problem waters lie shall act.
- (f) "Port" means left and reference is to the port side of a vessel or to the left side of the vessel.
- (g) "Probate court disposition" means the entry of a probate court order of disposition for a child found to be within the provisions of chapter XIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws.
- (h) "Prosecuting attorney", except as the context otherwise requires, means the attorney general, the prosecuting attorney of a county, or the attorney representing a political subdivision of government.
- (i) "Regatta", "boat race", "marine parade", "tournament", or "exhibition" means an organized water event of limited duration that is conducted according to a prearranged schedule.
- (j) "Slow—no wake speed" means a very slow speed whereby the wake or wash created by the vessel would be minimal.
- (k) "Starboard" means right and reference is to the starboard side of a vessel or to the right side of the vessel.
- (l) "State aid" means payment made by the state to a county for the conduct of a marine safety program.
- (m) "Undocumented vessel" means a vessel that does not have, and is not required to have, a valid marine document issued by the United States coast guard or federal agency successor to the United States coast guard.
- (n) "Uniform inspection decal" means an adhesive-backed sticker created by the department pursuant to section 161 that is color coded to indicate the year that it expires and is attached to a vessel in the manner prescribed for decals in section 31 when a peace officer inspects and determines that the vessel complies with this act.
- (o) "Use" means operate, navigate, or employ.
- (p) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.
- (q) "Waters of this state" means any waters within the territorial limits of this state, and includes those waters of the Great Lakes that are under the jurisdiction of this state.

Sec. 23. (1) Each county of the state is entitled to receive state aid as provided in this act. A county board of commissioners desiring to conduct a marine safety program shall submit to the department by December 31 of each year an estimate of authorized expenditures for the following calendar year, in the form and containing the information the department requires. The department shall review the entire request and may approve the county request for state aid. The department shall annually survey the marine safety program of each county to assist in determining the amount of state aid to be allocated to a county for its marine safety program. In making its annual determination of the amount of state aid to be allocated to a county, the department shall develop and employ a formula which shall include such factors as:

- (a) The number of students to be trained in boating safety in any United States coast guard auxiliary, United States power squadron or department sponsored marine safety classes.
- (b) The number of boat user days.
- (c) The number of livery boats.
- (d) Program effectiveness measured by comparing the existing rate of compliance with current statutes to the acceptable rate of compliance determined by the department.
- (e) The number and type of boat access areas requiring a county marine safety program.
- (f) The water area of the county.

(2) A determination of the amount of state aid allocated to a county under this act shall not be based, wholly or in part, upon the number of vessels within that county that are stopped or inspected under section 161.

(3) State aid allocated to a county under this act shall be used exclusively for the conduct of the county marine safety program as provided by this act and rules promulgated hereunder. Within 90 days after the close of each calendar year, a county board of commissioners shall submit to the department a statement of authorized expenditures actually incurred, in the form and containing the information that the department requires. A county that provides the

department with statements or supplements to statements subsequent to the 90-day period is not eligible for state aid under this act.

Section 2. Section 3 of Act No. 303 of the Public Acts of 1967, being section 281.1003 of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect April 1, 1994.

Section 4. 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. 683.
- (b) Senate Bill No. 684.
- (c) Senate Bill No. 685.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.