



# HOUSE BILL No. 4639

April 22, 1993, Introduced by Rep. Gubow and referred to the Committee on Judiciary.

A bill to amend the title and sections 6, 27, 33, 35, 36, 71, 72, 72a, 75, 76, 77, 78, 79, 80, 101, 114, 141, 161, 162, 163, 164, 165, 166, 191, and 192 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

section 33 as amended by Act No. 59 of the Public Acts of 1990, section 35 as amended by Act No. 425 of the Public Acts of 1980, section 36 as amended by Act No. 56 of the Public Acts of 1988, sections 101, 163, 164, and 165 as amended by Act No. 494 of the Public Acts of 1988, section 114 as amended by Act No. 289 of the Public Acts of 1990, and sections 161 and 162 as amended by Act No. 301 of the Public Acts of 1992, being sections 281.1006, 281.1027, 281.1033, 281.1035, 281.1036, 281.1071, 281.1072, 281.1072a, 281.1075, 281.1076, 281.1077, 281.1078, 281.1079, 281.1080, 281.1101, 281.1114, 281.1141, 281.1161, 281.1162,

1       Section 1. The title and sections 6, 27, 33, 35, 36, 71,  
2 72, 72a, 75, 76, 77, 78, 79, 80, 101, 114, 141, 161, 162, 163,  
3 164, 165, 166, 191, and 192 of Act No. 303 of the Public Acts of  
4 1967, section 33 as amended by Act No. 59 of the Public Acts of  
5 1990, section 35 as amended by Act No. 425 of the Public Acts of  
6 1980, section 36 as amended by Act No. 56 of the Public Acts of  
7 1988, sections 101, 163, 164, and 165 as amended by Act No. 494  
8 of the Public Acts of 1988, section 114 as amended by Act No. 289  
9 of the Public Acts of 1990, and sections 161 and 162 as amended  
10 by Act No. 301 of the Public Acts of 1992, being sections  
11 281.1006, 281.1027, 281.1033, 281.1035, 281.1036, 281.1071,  
12 281.1072, 281.1072a, 281.1075, 281.1076, 281.1077, 281.1078,  
13 281.1079, 281.1080, 281.1101, 281.1114, 281.1141, 281.1161,  
14 281.1162, 281.1163, 281.1164, 281.1165, 281.1166, 281.1191, and  
15 281.1192 of the Michigan Compiled Laws, are amended and  
16 sections 163a, 193, 193a, 193b, 193c, 193d, 193e, 193f, 193g,  
17 193h, 194, 194a, 194b, 194c, 194d, 194e, 194f, 195, 195a, 195b,  
18 195c, and 195d are added to read as follows:

20       An act to promote the safe use of the waters of this state;  
21 to provide for the taxation and numbering of motorboats and  
22 vessels; to provide for rules relative to the operation of

1 vessels and motorboats; the carrying of equipment on such waters  
2 and to the use of waters of this state for boating; to promote  
3 uniformity of laws relating thereto: to prescribe the duties and  
4 responsibilities of owners and operators of vessels and motor-  
5 boats; TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT; to prescribe  
6 the powers and duties of certain state departments AND AGENCIES;  
7 to provide for the disposition of revenue; and to ~~provide for~~  
8 PRESCRIBE penalties AND PROVIDE REMEDIES.

9 Sec. 6. As used in this act:

10 (a) "Boating safety certificate" means a certificate issued  
11 by the director evidencing that the holder has successfully com-  
12 pleted a state approved course of instruction in boating safety.

13 (b) "Vessel" means every description of watercraft, other  
14 than a seaplane on the water, used or capable of being used as a  
15 means of transportation on water.

16 (c) "Motorboat" means a vessel propelled WHOLLY OR IN PART  
17 by machinery. ~~-, whether or not machinery is the principal~~  
18 ~~source of propulsion.~~

19 (d) "Lifeboat" means a small boat designated and used solely  
20 for lifesaving purposes, and does not include ~~dinghies, tenders,~~  
21 ~~speedboats~~ A DINGHY, TENDER, SPEEDBOAT, or other ~~types~~ TYPE of  
22 craft THAT IS NOT carried aboard ~~vessels and used for other~~  
23 ~~than~~ A VESSEL FOR lifesaving purposes.

24 (e) "Person" means an individual, partnership, firm, corpo-  
25 ration, company, association, or governmental entity, and  
26 includes a trustee, receiver, assignee or similar representative  
27 of any of them.

1 (f) "Owner" means a person who claims OR IS ENTITLED TO  
2 lawful possession of a vessel by virtue of THAT PERSON'S legal  
3 title or equitable interest ~~therein which entitles him to the~~  
4 ~~possession~~ IN THAT VESSEL.

5 (g) "Boat" means a vessel ~~which is manufactured~~ THAT IS  
6 ANY OF THE FOLLOWING:

7 (i) MANUFACTURED or used primarily for noncommercial use.  
8 ~~, leased,~~

9 (ii) LEASED, rented, or chartered to another for ~~the~~  
10 ~~latter's~~ noncommercial use. ~~, or engaged~~

11 (iii) ENGAGED in the carrying of not more than 6  
12 passengers.

13 (h) "Associated equipment" means ~~a~~ ANY OF THE FOLLOWING  
14 THAT IS NOT RADIO EQUIPMENT:

15 (i) AN ORIGINAL system, part, or component of a boat ~~as~~  
16 ~~originally~~ AT THE TIME THAT BOAT WAS manufactured, or a similar  
17 part or component manufactured or sold for replacement. ~~,~~

18 (ii) A repair or improvement of ~~the~~ AN ORIGINAL OR  
19 REPLACEMENT system, part, or component. ~~, an~~

20 (iii) AN accessory or equipment for, or appurtenance to, a  
21 boat. ~~, or a~~

22 (iv) A marine safety article, accessory, or equipment  
23 intended for use by a person on board a boat. ~~It does not~~  
24 ~~include radio equipment.~~

25 (i) "Operator" means the person who is in control or in  
26 charge of a vessel while ~~it~~ THAT VESSEL is in use.

(j) "Passenger" means ~~a~~ ANY OF THE FOLLOWING:

(i) A person carried on board a vessel other than the owner or his OR HER representative. ~~, the~~

(ii) THE operator. ~~, bona fide~~

(iii) BONA FIDE members of the crew engaged in the business of the vessel who have not contributed consideration for their carriage and who are paid for their services. ~~, or a~~

(iv) A guest on board a vessel ~~which~~ THAT is being used exclusively for pleasure purposes who has not contributed consideration, directly or indirectly, for his OR HER carriage.

(k) "Undocumented vessel" means a vessel ~~which~~ THAT does not have, and is not required to have, a valid marine document issued by the United States coast guard or A federal agency successor ~~thereto~~ TO THE UNITED STATES COAST GUARD.

(l) "Use" means operate, navigate, or employ.

(m) "Boat livery" means a business ~~which~~ THAT holds a vessel for renting, leasing, or chartering.

(n) "Manufacturer" means a person engaged in ~~the~~ ANY OF THE FOLLOWING:

(i) THE manufacture, construction, or assembly of boats or associated equipment. ~~, the~~

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

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

1 (O) "CIVIL INFRACTION" MEANS AN ACT OR OMISSION PROHIBITED  
2 BY LAW THAT IS SUBJECT TO A CIVIL SANCTION, BUT THAT IS NOT A  
3 CRIME AS DEFINED IN SECTION 5 OF THE MICHIGAN PENAL CODE, ACT  
4 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.5 OF THE  
5 MICHIGAN COMPILED LAWS.

6 (P) "CIVIL INFRACTION DETERMINATION" MEANS A DETERMINATION  
7 THAT A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION BY 1 OF THE  
8 FOLLOWING:

9 (i) AN ADMISSION OF RESPONSIBILITY FOR THE CIVIL  
10 INFRACTION.

11 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE CIVIL INFRAC-  
12 TION, "WITH EXPLANATION".

13 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING  
14 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 194C OR 194D.

15 (iv) A DEFAULT JUDGMENT, FOR FAILING TO APPEAR AS DIRECTED  
16 BY A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER  
17 SECTION 194B(3)(B) OR (4), AT A SCHEDULED INFORMAL HEARING UNDER  
18 SECTION 194C, OR AT A SCHEDULED FORMAL HEARING UNDER SECTION  
19 194D.

20 (Q) "MARINE LAW" MEANS THIS ACT OR A RULE OR LOCAL ORDINANCE  
21 ESTABLISHED IN CONFORMITY WITH THIS ACT.

22 (R) "IDENTIFICATION DOCUMENT" MEANS ANY OF THE FOLLOWING:

23 (i) A VALID MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE.

24 (ii) A VALID DRIVER'S OR CHAUFFEUR'S LICENSE ISSUED BY AN  
25 AGENCY, DEPARTMENT, OR BUREAU OF THE UNITED STATES OR ANOTHER  
26 STATE.

1 (iii) AN OFFICIAL IDENTIFICATION CARD ISSUED BY AN AGENCY,  
2 DEPARTMENT, OR BUREAU OF THE UNITED STATES, THIS STATE, OR  
3 ANOTHER STATE.

4 (iv) AN OFFICIAL IDENTIFICATION CARD ISSUED BY A POLITICAL  
5 SUBDIVISION OF THIS STATE OR ANOTHER STATE.

6 Sec. 27. The department may adopt such rules as may be nec-  
7 essary to carry out ~~the provisions of this section~~ ACT.

8 Sec. 33. (1) Except as otherwise provided in this section,  
9 the owner of a vessel required to be numbered and to display a  
10 decal shall file an application for a certificate of number with  
11 the secretary of state. ~~Application forms shall be prescribed~~  
12 ~~and furnished by the secretary of state.~~ THE SECRETARY OF STATE  
13 SHALL PRESCRIBE AND FURNISH CERTIFICATE OF TITLE APPLICATION  
14 FORMS. If a vessel REQUIRING A CERTIFICATE OF TITLE UNDER ACT  
15 NO. 160 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 281.1201 TO  
16 281.1223 OF THE MICHIGAN COMPILED LAWS, is sold by a dealer, THAT  
17 DEALER SHALL COMBINE the application for a certificate of number  
18 ~~shall be combined~~ THAT IS SIGNED BY THE VESSEL OWNER with the  
19 application for a certificate of title. ~~if a certificate of~~  
20 ~~title is required by Act No. 160 of the Public Acts of 1976,~~  
21 ~~being sections 281.1201 to 281.1223 of the Michigan Compiled~~  
22 ~~Laws. The certificate of number shall be obtained by the~~ THE  
23 dealer SHALL OBTAIN THE CERTIFICATE OF NUMBER in the name of the  
24 owner. ~~The application shall be signed by the owner of the~~  
25 ~~vessel.~~ A person shall not file an application for a certificate  
26 of number ~~which~~ THAT contains false information. A dealer who  
27 fails to submit an application as required by this section is

1 guilty of a misdemeanor punishable by a fine of not more than  
2 \$100.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90 days,  
3 or both.

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

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

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

20 (5) A person shall ~~not use~~ OPERATE or permit the ~~use~~  
21 OPERATION of a vessel for which a 15-day temporary permit has  
22 been issued under this section ~~unless~~ ONLY IF the temporary  
23 permit is valid and ~~carried on board while the vessel is being~~  
24 ~~used and~~ displayed on the vessel as prescribed by rule promul-  
25 gated by the department.

26 (6) Except as otherwise provided in this section, an  
27 application shall be accompanied by a fee as follows:



|    |   |          |
|----|---|----------|
| 1  | (a) A 15-day temporary permit issued under subsec-      |          |
| 2  | tion (3).....   | \$ 10.00 |
| 3  | (b) Nonpowered vessels, other than nonmotorized         |          |
| 4  | canoes or kayaks, except as provided in section 32..... | 8.25     |
| 5  | (c) Nonmotorized canoes or kayaks except as pro-        |          |
| 6  | vided in section 32.....                                | 4.50     |
| 7  | (d) Motorboats less than 12 feet in length.....         | 14.00    |
| 8  | (e) Motorboats 12 feet or over but less than 16         |          |
| 9  | feet in length.....                                     | 16.75    |
| 10 | (f) Motorboats 16 feet or over but less than 21         |          |
| 11 | feet in length.....                                     | 41.75    |
| 12 | (g) Motorboats 21 feet or over but less than 28         |          |
| 13 | feet in length.....                                     | 90.00    |
| 14 | (h) Motorboats 28 feet or over but less than 35         |          |
| 15 | feet in length.....                                     | 168.00   |
| 16 | (i) Motorboats 35 feet or over but less than 42         |          |
| 17 | feet in length.....                                     | 244.00   |
| 18 | (j) Motorboats 42 feet or over but less than 50         |          |
| 19 | feet in length.....                                     | 280.00   |
| 20 | (k) Motorboats 50 feet in length or over.....           | 448.00   |
| 21 | (l) Pontoon vessels regardless of size.....             | 22.50    |
| 22 | (m) Motorized canoes regardless of size.....            | 14.00    |
| 23 | (n) Vessels licensed under the commercial fishing       |          |
| 24 | law of 1929, Act No. 84 of the Public Acts of 1929,     |          |
| 25 | being sections 308.1 to 308.51 of the Michigan Compiled |          |
| 26 | Laws.....   | 15.00    |

1 (o) Vessels carrying passengers for hire that are  
 2 in compliance with the charter and livery boat safety  
 3 act, Act No. 244 of the Public Acts of 1986, being sec-  
 4 tions 281.571 to 281.595 of the Michigan Compiled Laws,  
 5 or under federal law; and vessels carrying passengers  
 6 and freight or freight only and owned within this state  
 7 or hailing from a port within this state..... 45.00

8 (p) Beginning January 1, 1991, motorboats 21 feet  
 9 or over but less than 28 feet in length..... 115.00

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

14 (8) Payment of the fee specified by this section exempts the  
 15 vessel from the tax imposed by the general property tax act, Act  
 16 No. 206 of the Public Acts of 1893, as amended, being sections  
 17 211.1 to 211.157 of the Michigan Compiled Laws.

18 (9) Upon receipt of an initial application for a certificate  
 19 of number in approved form and payment of the required fee, the  
 20 secretary of state shall enter the information upon the official  
 21 records and issue to the applicant a certificate of number con-  
 22 taining the number awarded to the vessel, the name and address of  
 23 the owner, and other information the secretary of state  
 24 ~~considers~~ DETERMINES necessary. The certificate of number  
 25 shall be pocket size and legible. ~~When the vessel is in use,~~  
 26 ~~the operator shall present the certificate of number for~~  
 27 ~~inspection upon demand of a law enforcement or conservation~~

1 ~~officer.~~ EXCEPT AS PROVIDED IN SUBSECTION (13), A PERSON  
2 OPERATING A VESSEL SHALL PRESENT THAT VESSEL'S CERTIFICATE OF  
3 NUMBER TO A PEACE OFFICER UPON THE PEACE OFFICER'S REQUEST.

4 (10) If a check or draft ~~in payment of a fee or tax~~ pay-  
5 able to the secretary of state under this act is not paid on its  
6 first presentation, the fee or tax is delinquent as of the date  
7 the draft or check was tendered. The person tendering the check  
8 or draft remains liable for the payment of each fee or tax and a  
9 penalty.

10 (11) ~~The secretary of state may suspend a certificate of~~  
11 ~~number when the secretary of state determines~~ UPON DETERMINING  
12 that a fee or tax required by this act has not been paid and  
13 remains unpaid after reasonable notice and demand, THE SECRETARY  
14 OF STATE MAY SUSPEND A CERTIFICATE OF NUMBER.

15 (12) If a fee or tax ~~is still~~ REMAINS delinquent 15 days  
16 after the secretary of state gives notice to the person tendering  
17 the check or draft DESCRIBED IN SUBSECTION (10), THE SECRETARY OF  
18 STATE SHALL ASSESS AND COLLECT a penalty ~~shall be assessed and~~  
19 ~~collected in addition to the fee or tax. The penalty shall be~~  
20 OF \$5.00 or 20% of the check or draft, whichever is larger, IN  
21 ADDITION TO THE FEE OR TAX.

22 (13) The ~~certificate of number for vessels~~ OWNER OR AUTHO-  
23 RIZED AGENT OF THE OWNER OF A VESSEL less than 26 feet in length  
24 ~~and~~ THAT IS leased or rented to ~~another~~ A PERSON for ~~the~~  
25 noncommercial use ~~of that person~~ for not more than 24 hours may  
26 ~~be retained on shore by the vessel's owner or the owner's~~  
27 ~~authorized representative~~ RETAIN, at the place from which the

1 vessel departs or returns to the possession of the owner or the  
 2 owner's representative, THE CERTIFICATE OF NUMBER FOR THAT VESSEL  
 3 if a copy of the lease or rental agreement ~~, signed by the owner~~  
 4 ~~or the owner's authorized representative and by the person leas-~~  
 5 ~~ing or renting the vessel,~~ is on ~~board~~ THE VESSEL. UPON THE  
 6 DEMAND OF A PEACE OFFICER, THE OPERATOR SHALL PRODUCE FOR INSPEC-  
 7 TION EITHER THE CERTIFICATE OF NUMBER OR A COPY OF THE LEASE OR  
 8 RENTAL AGREEMENT FOR THAT VESSEL. The lease or rental agreement  
 9 shall contain ~~both~~ EACH of the following:

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

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

17 (C) THE SIGNATURE OF THE VESSEL'S OWNER OR THAT PERSON'S  
 18 AUTHORIZED AGENT.

19 (D) THE SIGNATURE OF THE PERSON LEASING OR RENTING THE  
 20 VESSEL.

21 (14) ~~The~~ UPON RECEIPT OF A CERTIFICATE OF NUMBER FOR A  
 22 VESSEL, THE owner of ~~a~~ THAT vessel ~~, other than a nonpowered~~  
 23 ~~vessel 12 feet or under in length, having been issued a certifi-~~  
 24 ~~cate of number for the vessel~~ shall paint on or attach in a per-  
 25 manent manner to each side of the forward half of the vessel the  
 26 ~~identifying~~ number IDENTIFIED IN THE CERTIFICATE OF NUMBER, in  
 27 the manner prescribed by rules promulgated by the commission. ~~A~~

1 ~~person, partnership, corporation, or other entity which rents or~~  
 2 ~~leases vessels shall be assigned~~ THE SECRETARY OF STATE SHALL  
 3 ASSIGN TO THE OWNER OF VESSELS FOR RENT OR LEASE a block of num-  
 4 bers sufficient to number consecutively all ~~the~~ OF THAT OWNER'S  
 5 RENTAL OR LEASE vessels. ~~which the person, partnership, corpo-~~  
 6 ~~ration, or other entity rents or leases.~~ The ~~number shall be~~  
 7 ~~maintained~~ OWNER SHALL MAINTAIN THE NUMBERS in a legible  
 8 condition. A vessel documented by the United States coast guard  
 9 or a federal agency that is the successor to the United States  
 10 coast guard ~~shall~~ IS not ~~be~~ required to display numbers under  
 11 this act but shall ~~be required to~~ display a decal indicating  
 12 payment of the fee prescribed in subsection (6), and shall other-  
 13 wise be in compliance with this act. THIS SUBSECTION DOES NOT  
 14 APPLY TO A NONPOWERED VESSEL 12 FEET OR LESS IN LENGTH.

15 (15) Upon receipt of an application for a certificate of  
 16 number in an approved form, and payment of the fee required by  
 17 this act, the secretary of state shall issue a decal indicating  
 18 that the vessel is numbered in compliance with this act. The  
 19 decal shall be color coded and dated to indicate the year the  
 20 decal expires. The manner in which the decal is displayed shall  
 21 be as prescribed by rule 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 expires on December 31, 1989, 1990, or 1991 shall remain~~  
2 ~~effective until March 31, 1990, 1991, or 1992 as provided in this~~  
3 ~~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 owned by it and~~ THAT OWNS A VESSEL  
15 THAT IS required to be numbered under this act ~~and pay a~~ SHALL  
16 REGISTER THAT VESSEL AND UPON PAYMENT OF EITHER OF THE FOLLOWING  
17 SHALL RECEIVE FROM THE SECRETARY OF STATE A CERTIFICATE OF NUMBER  
18 FOR THAT VESSEL:

19 (A) A fee of \$3.00 for ~~each~~ A vessel THAT IS NOT USED FOR  
20 RECREATIONAL, COMMERCIAL, OR RENTAL PURPOSES. ~~However, if the~~

21 (B) THE FEE REQUIRED UNDER SUBSECTION (6) FOR A vessel THAT  
22 is used for recreational, commercial, or rental purposes. ~~the~~  
23 ~~fees provided in subsection (6) shall apply. Upon payment of the~~  
24 ~~fee a certificate of number shall be issued for the vessel.~~

25 (20) A vessel manufactured before 1940 and owned solely as a  
26 collector's item and not used other than in club activities,  
27 exhibitions, tours, parades, and other similar activities is an

1 historic vessel. ~~An historic vessel shall, upon proper~~  
 2 ~~application, be numbered as an historic vessel. Application~~ THE  
 3 SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC APPLICATION  
 4 forms for certificates of number for historic vessels, ~~shall be~~  
 5 ~~available from the secretary of state~~ AND UPON RECEIPT OF A COM-  
 6 PLETED APPLICATION FORM AND FEE SHALL NUMBER AN HISTORIC VESSEL  
 7 AS AN HISTORIC VESSEL. The fee for the numbering of an historic  
 8 vessel ~~shall be~~ IS 1/3 of the otherwise applicable fee speci-  
 9 fied in subsection (6).

10 (21) ~~if~~ UPON APPLICATION TO THE SECRETARY OF STATE, the  
 11 owner of a nonmotorized canoe or kayak WHO registered that vessel  
 12 under this act between January 1, 1989 and ~~the effective date of~~  
 13 ~~this subsection, upon application to the secretary of state, that~~  
 14 ~~person~~ APRIL 17, 1990 shall receive a refund of a portion of the  
 15 registration fee equal to the difference in the amount that owner  
 16 paid and the fee amount provided in subsection (6)(c).

17 (22) A PERSON WHO VIOLATES SUBSECTION (9), (12), (14), OR  
 18 (15) IS RESPONSIBLE FOR A CIVIL INFRACTION.

19 Sec. 35. (1) The owner of a vessel shall notify the secre-  
 20 tary of state within 15 days if the vessel is destroyed, aban-  
 21 doned, or sold, ~~—~~ OR if an interest in the vessel is trans-  
 22 ferred, either wholly or in part, to another person. ~~—, or if~~  
 23 ~~the owner's address no longer conforms to the address appearing~~  
 24 ~~on the certificate of number.~~ The notice shall consist of a sur-  
 25 render of the certificate of number ~~—, on which~~ BEARING the  
 26 ~~proper~~ information ~~shall be noted on a place to be provided on~~  
 27 ~~the certificate~~ REQUIRED UNDER THIS SECTION. ~~When~~ IF the

1 surrender of the certificate is due to the vessel being destroyed  
2 or abandoned, the secretary of state shall cancel the certificate  
3 and enter that fact in the secretary of state's records and the  
4 number may be reassigned.

5 (2) THE OWNER OF A VESSEL SHALL NOTIFY THE SECRETARY OF  
6 STATE IF THE OWNER'S ADDRESS NO LONGER CONFORMS TO THE ADDRESS  
7 APPEARING ON THE CERTIFICATE OF NUMBER.

8 (3) ~~-(2) The owner of a destroyed vessel, upon proper~~ UPON  
9 application, THE OWNER OF A DESTROYED VESSEL may receive a new  
10 certificate of number FOR A REPLACEMENT VESSEL, valid for the  
11 remainder of the numbering period, ~~for a replacement vessel,~~ if  
12 all of the following conditions are met:

13 (a) The replacement vessel is owned by the same person who  
14 owned the destroyed vessel.

15 (b) The owner of the replacement vessel pays additional  
16 fees, if required under section 33, due to the change in vessel  
17 size or classification.

18 (c) ~~Payment of~~ THE OWNER OF THE REPLACEMENT VESSEL PAYS a  
19 \$2.00 application fee.

20 (4) ~~-(3)-~~ If the fees required for the replacement vessel  
21 under section 33 are less than the fees ~~which~~ THAT were  
22 required for the destroyed vessel, the owner of the vessel shall  
23 not receive a refund.

24 (5) ~~-(4)-~~ If the surrender of the certificate of number is  
25 due to a change of the owner's address, the new address shall be  
26 recorded by the secretary of state and a certificate of number  
27 bearing that information shall be returned to the owner.



1 (6) ~~(5) The transferee of~~ WITHIN 15 DAYS AFTER ACQUIRING a  
2 vessel registered under this act, ~~within 15 days after acquisi-~~  
3 ~~tion of the vessel,~~ THE TRANSFEREE shall ~~make application~~  
4 APPLY to the secretary of state for transfer ~~to the transferee~~  
5 of the certificate of number issued to the vessel TO THE  
6 TRANSFEREE. The transferee shall provide his or her name,  
7 address, and the number of the vessel, and pay to the secretary  
8 of state a transfer fee of \$2.00. The registration fee for the  
9 certificate of number shall be 2/3 the fee provided in section 33  
10 if the transferred certificate of number would have remained  
11 valid for 1 year or less. The registration fee for the certifi-  
12 cate of number ~~shall be~~ IS 1/3 the fee provided in section 33  
13 if the transferred certificate of number would have remained  
14 valid for more than 1 year but less than 2 years. ~~An~~ THE SEC-  
15 RETARY OF STATE SHALL NOT ASSESS AN additional registration fee  
16 ~~shall not be assessed~~ if the transferred registration would  
17 have remained valid for 2 or more years. Unless the application  
18 is made and the fee paid within 15 days after acquisition of the  
19 vessel, the vessel ~~shall be considered to be~~ IS without certif-  
20 icate of number and a person shall not operate ~~the~~ THAT vessel  
21 until a certificate is issued. Upon receipt of the application  
22 and appropriate fees, the secretary of state shall transfer the  
23 certificate of number issued for the vessel to the ~~new owner~~  
24 TRANSFEREE. The certificate of number ~~shall be~~ IS valid for a  
25 3-year period.

1 (7) ~~(6)~~ If a certificate of number is lost, mutilated, or  
 2 illegible, the owner of the vessel shall obtain a duplicate of  
 3 the certificate upon application and payment of a fee of \$2.00.

4 (8) A PERSON WHO VIOLATES SUBSECTION (2) IS RESPONSIBLE FOR  
 5 A CIVIL INFRACTION.

6 Sec. 36. (1) A dealer shall apply for and obtain from the  
 7 secretary of state dealer certificates of number and dealer  
 8 decals for each vessel of the dealer that is tested, demon-  
 9 strated, or otherwise operated. Upon receipt of an application  
 10 in ~~approved~~ A form APPROVED BY THE SECRETARY OF STATE and pay-  
 11 ment of \$30.00 for each set of dealer certificates of number and  
 12 dealer decals, the secretary of state shall issue to the appli-  
 13 cant the dealer certificates of number and dealer decals. A  
 14 single dealer certificate of number and dealer decal issued pur-  
 15 suant to this section may be used on only 1 vessel at ~~any given~~  
 16 A time.

17 (2) ~~When~~ THE OPERATOR OF a vessel ~~is operated pursuant~~  
 18 ~~to~~ GOVERNED BY this section ~~,~~ SHALL DO EACH OF THE FOLLOWING:

19 (A) MAINTAIN the dealer certificate of number ~~shall be~~ on  
 20 board the vessel. ~~and shall be displayed upon~~

21 (B) UPON demand of a ~~law enforcement or conservation~~ PEACE  
 22 officer DISPLAY THE DEALER CERTIFICATE OF NUMBER. ~~In addition,~~  
 23 ~~an identifying number and dealer decal shall be temporarily~~  
 24 ~~displayed~~

25 (C) TEMPORARILY DISPLAY THE IDENTIFYING NUMBER AND DEALER  
 26 DECAL on the vessel in accordance with rules promulgated by the  
 27 commission.

1 (3) A PERSON SHALL NOT OPERATE A vessel numbered under this  
 2 section ~~shall not be operated~~ unless the dealer is on board the  
 3 vessel or the ~~user~~ OPERATOR has the written authorization of  
 4 the dealer to operate the vessel. A PERSON SHALL NOT USE A  
 5 vessel numbered under this section ~~shall not be used~~ for com-  
 6 mercial purposes ~~including~~ THAT INCLUDE THE rental of the  
 7 vessel or the carrying of passengers for hire on the vessel.

8 Sec. 71. (1) ~~When~~ IF vessels are being operated in ~~such~~  
 9 a manner ~~so as to make~~ THAT MAKES collision imminent or likely,  
 10 the following rules ~~shall~~ apply:

11 (a) ~~When~~ IF 2 vessels are approaching each other head-on,  
 12 or ~~nearly so~~ NEAR HEAD-ON, the operator of each VESSEL shall  
 13 cause his OR HER vessel to pass on the port side of the other.

14 (b) ~~When~~ IF A VESSEL IS overtaking a vessel proceeding in  
 15 the same direction, the operator of the overtaking vessel ~~→~~  
 16 ~~unless it is not feasible to do so,~~ shall pass, IF FEASIBLE, on  
 17 the port side of the vessel ~~ahead~~ BEING OVERTAKEN.

18 (c) ~~When~~ IF 2 vessels ~~are approaching~~ APPROACH each  
 19 other at right angles or obliquely ~~so as to involve~~ IN A MANNER  
 20 THAT INVOLVES risk of collision, ~~other than when~~ AND 1 vessel  
 21 is NOT overtaking ~~another~~ THE OTHER, the operator of the vessel  
 22 ~~which has~~ HAVING the other on his ~~own~~ OR HER port side shall  
 23 hold his OR HER course and speed, and the operator of the vessel  
 24 ~~which has~~ HAVING the other on his ~~own~~ OR HER starboard side  
 25 shall ~~give way~~ YIELD to the other by ~~directing~~ DOING EITHER  
 26 OF THE FOLLOWING:

1 (i) DIRECTING his OR HER course to starboard so as to cross  
2 the stern of the other vessel. ~~or, if~~

3 (ii) IF necessary, ~~to do so, shall slacken~~ REDUCE his OR  
4 HER speed, stop, or reverse.

5 (d) ~~When~~ IF a motorboat and a vessel under sail are pro-  
6 ceeding in ~~such~~ a manner ~~so as to involve~~ THAT INVOLVES risk  
7 of collision, the operator of the motorboat shall ~~give way~~  
8 YIELD to the vessel under sail.

9 (e) ~~When~~ IF a motorboat and a vessel not propelled by sail  
10 or mechanical means are proceeding in ~~such~~ A manner ~~as to~~  
11 ~~involve~~ THAT INVOLVES risk of collision, the operator of the  
12 motorboat shall ~~give way~~ YIELD to the other vessel.

13 (f) ~~When, by any of the rules provided in~~ IF UNDER this  
14 section ~~,~~ the operator of a vessel is required to ~~give way to~~  
15 ~~the other~~ YIELD TO ANOTHER VESSEL, the operator of ~~the~~ THAT  
16 other vessel shall maintain his OR HER direction and speed.

17 (2) ~~Nothing in this~~ THIS section ~~shall~~ DOES NOT relieve  
18 the operator of a vessel ~~otherwise privileged by the provisions~~  
19 ~~of this section~~ GIVEN DIRECTIONAL OR MOVEMENT PRIORITY UNDER  
20 THIS SECTION from the duty to operate with due regard for the  
21 safety of all persons using the waters of this state.

22 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
23 CIVIL INFRACTION.

24 Sec. 72. (1) A person operating or propelling a vessel upon  
25 the waters of this state shall operate it in a careful and pru-  
26 dent manner and at ~~such~~ a rate of speed ~~so as~~ THAT DOES not

1 ~~to~~ UNREASONABLY endanger ~~unreasonably~~ the life or property of  
2 ~~any~~ A person.

3 (2) A person shall not operate ~~any~~ A vessel at a rate of  
4 speed greater than ~~will permit~~ A SPEED THAT PERMITS him OR HER,  
5 in the exercise of reasonable care, to bring the vessel to a SAFE  
6 stop. ~~within the assured clear distance ahead.~~

7 (3) A person shall not operate a vessel in a manner ~~so as~~  
8 ~~to interfere~~ THAT unreasonably INTERFERES with ~~the~~ ANOTHER  
9 PERSON'S lawful use ~~by others of any~~ OF THE waters OF THIS  
10 STATE.

11 (4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
12 CIVIL INFRACTION.

13 Sec. 72a. (1) The commission may promulgate rules to estab-  
14 lish maximum motorboat speed limits or to allow unlimited motor-  
15 boat speed on the waters of this state.

16 (2) ~~On waters of this state for which a motorboat speed~~  
17 ~~limit is not established under subsection (1), or on any waters~~  
18 ~~for which the commission has not established an unlimited motor~~  
19 ~~boat speed limit, or on any waters for which stricter speed~~  
20 ~~restrictions are not established pursuant to an act, a~~ THE maxi-  
21 mum speed limit ON THE WATERS of THIS STATE IS 55 miles per hour,  
22 ~~is established,~~ except ~~in an~~ AS OTHERWISE PROVIDED BY A  
23 MARINE LAW.

24 (3) THE MAXIMUM SPEED LIMIT RESTRICTIONS ESTABLISHED PURSU-  
25 ANT TO THIS SECTION DO NOT APPLY TO ANY THE FOLLOWING:

26 (A) A BONA FIDE emergency ~~and except for authorized~~  
27 SITUATION.

1 (B) AUTHORIZED peace ~~and conservation~~ officers when  
2 engaged in official duties. ~~The maximum speed limit of 55 miles~~  
3 ~~per hour shall not apply to the~~

4 (C) THE Great Lakes and Lake St. Clair, except for an area  
5 within 1 mile of the shoreline measured at a right angle from the  
6 shoreline.

7 (4) Upon receipt of a resolution by the governing body of a  
8 county, township, city, or village having jurisdiction over  
9 waters of this state requesting a reduction in the maximum speed  
10 limit on those waters, the commission, pursuant to sections 12 to  
11 17, may establish a maximum speed limit not to exceed 40 miles  
12 per hour on those waters.

13 (5) ~~(3)~~ A person shall not operate a motorboat on the  
14 waters of this state at a speed greater than slow no-wake speed  
15 or the minimum speed necessary for the motorboat to maintain for-  
16 ward movement when within 100 feet of the shoreline where the  
17 water depth is less than 3 feet, as determined by vertical mea-  
18 surement, except in navigable channels not otherwise posted.

19 ~~(4) A person operating a motorboat in violation of this~~  
20 ~~section is guilty of reckless operation of a motorboat punishable~~  
21 ~~as provided in section 166.~~

22 (6) ~~(5)~~ The commission may waive this section and section  
23 114 for marine events authorized by the department under section  
24 151.

25 (7) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
26 CIVIL INFRACTION.

1        Sec. 75. (1) ~~Persons~~ A PERSON operating ~~vessels~~ A  
2 VESSEL on the waters of this state in areas not marked by well  
3 defined channels, canals, rivers or stream courses shall operate  
4 in a counter-clockwise fashion insofar as it is reasonably  
5 possible. ~~These persons and persons~~

6        (2) A PERSON OPERATING A VESSEL AND A PERSON being towed on  
7 water skis, water sled, kite, surfboard or similar contrivance  
8 shall maintain a distance of 100 feet from ~~any~~ A dock, raft,  
9 buoyed or occupied bathing area, or vessel moored or at anchor,  
10 except ~~when~~ IF the vessel is proceeding at a slow--no wake  
11 speed or ~~when~~ IF A water ~~skiers are~~ SKIER IS being picked up  
12 or dropped off, AND if ~~such~~ THE operation is ~~otherwise~~ con-  
13 ducted with due regard to the safety of persons and property and  
14 in accordance with the laws of this state.

15        (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
16 CIVIL INFRACTION.

17        Sec. 76. (1) A person shall not operate a vessel on ~~any~~  
18 ~~of~~ the waters of this state within a lawfully authorized  
19 restricted area clearly marked by buoys, beacons or other distin-  
20 guishing devices IDENTIFYING THAT AREA as being prohibited to  
21 vessels.

22        (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
23 CIVIL INFRACTION.

24        Sec. 77. (1) An operator of ~~any~~ A vessel shall not have  
25 in tow or otherwise be assisting in the propulsion of a person on  
26 water skis, water sled, surfboard or other similar contrivance

1 during the period of 1 hour after sunset to 1 hour prior to  
2 sunrise. ~~Any~~

3 (2) A person ~~permitting~~ SHALL NOT PERMIT himself OR  
4 HERSELF to be towed on water skis, water sled, surfboard or simi-  
5 lar contrivance in violation of ~~any of the provisions of~~ this  
6 act. ~~is guilty of a misdemeanor.~~

7 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
8 CIVIL INFRACTION.

9 Sec. 78. (1) A person shall not operate on the waters of  
10 this state a vessel having in tow or otherwise assisting a person  
11 on water skis, water sled, aquaplane, surfboard or other similar  
12 contrivance, unless, ~~there is in the vessel,~~ in addition to the  
13 operator, at least 1 competent person ~~in a position~~ IS IN THE  
14 VESSEL AND POSITIONED to observe the progress of the person being  
15 towed. ~~An observer shall be considered competent if he can, in~~  
16 ~~fact,~~ AS USED IN THIS SECTION, "COMPETENT" MEANS A PERSON WHO  
17 CAN render assistance if necessary.

18 (2) All motorboats engaged in the propulsion of a person on  
19 water skis, water sled, aquaplane, surfboard or similar contriv-  
20 ance, shall be equipped with a 170 degree wide angle rear view  
21 mirror affixed in a manner ~~as~~ THAT will permit the operator to  
22 observe the progress of the person being towed.

23 (3) ~~(2) The provisions of this~~ THIS section ~~shall~~ DOES  
24 not apply to vessels used by ~~duly constituted ski schools in the~~  
25 ~~giving of~~ A SKI SCHOOL IN PROVIDING instructions, or to vessels  
26 used in sanctioned ski tournaments, competitions, expositions or  
27 trials, ~~therefor,~~ or to motorboats less than 16 feet in length



1 actually operated by the person being towed and so constructed as  
2 to be incapable of carrying the operator in or on the motorboat.

3 (4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
4 CIVIL INFRACTION.

5 Sec. 79. (1) ~~Any~~ AN occupant or operator of ~~any~~ A  
6 vessel underway on the waters of this state shall not sit, stand,  
7 or walk upon any portion of the vessel not specially designed for  
8 ~~such~~ THAT purpose, except when immediately necessary for the  
9 safe and reasonable navigation or operation of the vessel.

10 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
11 CIVIL INFRACTION.

12 Sec. 80. (1) A person not in a ~~boat~~ VESSEL shall not  
13 intentionally rock, tip, jostle or otherwise interfere with the  
14 operation of ~~any~~ A vessel, except under supervised training.

15 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE OR A  
16 CIVIL INFRACTION.

17 Sec. 101. (1) ~~Any~~ A person diving or submerging in ~~any~~  
18 ~~of~~ the waters of this state with the aid of a diving suit or  
19 other mechanical diving device shall place a buoy or boat in the  
20 water at or near the point of submergence. The buoy or boat  
21 shall bear a red flag not less than 14 inches by 16 inches with a  
22 3-1/2 inch white stripe running from 1 upper corner to a diagonal  
23 lower corner. The flag shall be in place only while actual  
24 diving operations are in progress.

25 (2) A PERSON SHALL NOT OPERATE A vessel ~~shall not be~~  
26 ~~operated~~ within 200 feet of a buoyed diver's flag unless ~~it~~ HE  
27 OR SHE is involved in tendering the diving operation. A person

1 diving shall stay within a surface area of 100 feet of the  
2 diver's flag.

3 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
4 CIVIL INFRACTION.

5 Sec. 114. (1) A person shall not operate a motorboat on the  
6 waters of this state unless the motorboat is equipped and main-  
7 tained with an effective muffler or underwater exhaust system  
8 that does not produce sound levels in excess of 90 dB(A) when  
9 subjected to a stationary sound level test as prescribed by SAE  
10 J2005. If a motorboat is equipped with more than 1 motor or  
11 engine, the test shall be performed with all motors or engines  
12 operating.

13 (2) A person shall not manufacture, or sell, or offer for  
14 sale, a new motorboat for use on the waters of this state if that  
15 motorboat cannot be operated in ~~such~~ a manner ~~so as to comply~~  
16 THAT COMPLIES with the sound levels prescribed in subsection  
17 (1).

18 (3) Subsection (1) does not apply to any of the following:

19 (a) A motorboat tuning up, testing for or participating in  
20 official trials for speed records or a sanctioned race conducted  
21 pursuant to a permit issued by an appropriate unit of  
22 government.

23 (b) A motorboat being operated by a boat or marine engine  
24 manufacturer for the purpose of testing or development.

25 (c) A motorboat manufactured prior to 1955 that is an his-  
26 toric or antique vessel.

1 (4) A person shall not operate on the waters of this state a  
2 motorboat that is equipped with a cut-out, bypass, amplifier, or  
3 other similar device.

4 (5) As used in this section, "dB(A)" means decibels on the  
5 "A" scale on a sound meter having characteristics of a general  
6 purpose sound meter as defined by American national standards  
7 institute S1.4-1983.

8 (6) A person who violates this section is RESPONSIBLE FOR A  
9 CIVIL INFRACTION. ~~guilty of a misdemeanor, punishable by impris-~~  
10 ~~onment for not more than 90 days and a fine of not less than~~  
11 ~~\$100.00 or more than \$500.00. Additionally, before putting the~~  
12 ~~motorboat back in use, a person who violates this section shall~~  
13 ~~be required to~~ FOLLOWING A VIOLATION OF THIS SECTION AND BEFORE  
14 REUSING A MOTORBOAT THAT DOES NOT COMPLY WITH THIS SECTION, THAT  
15 PERSON SHALL install ON THE MOTORBOAT, AT HIS OR HER EXPENSE, an  
16 effective muffler or underwater exhaust system that meets the  
17 requirements of this section. ~~on the motorboat in violation at~~  
18 ~~his or her expense.~~

19 Sec. 141. (1) ~~The~~ WITHOUT EXPENSE TO THE STATE, THE  
20 department may ~~authorize, through the issuance of~~ ISSUE revoca-  
21 ble permits ~~—~~ AUTHORIZING the placing of buoys or beacons in  
22 the waters of this state to mark obstruction to navigation, to  
23 designate bathing areas, to designate vessel anchorages, or for  
24 any other purpose ~~if it will promote~~ THAT PROMOTES safety or  
25 navigation. ~~Any~~

26 (2) A person ~~who desires~~ SEEKING to place ~~buoys or~~  
27 ~~beacons~~ A BUOY OR A BEACON in the waters of this state ~~—~~

1 ~~without expense to the state,~~ shall ~~make application~~ APPLY to  
 2 the department FOR A REVOCABLE PERMIT in ~~such~~ THE form and con-  
 3 taining ~~such~~ THE information ~~as~~ THAT the department may  
 4 require. ~~Buoys or beacons, except~~

5 (3) EXCEPT for A mooring ~~buoys~~ BUOY, A PERSON shall not  
 6 ~~be placed~~ PLACE A BUOY OR BEACON in the waters of this state  
 7 unless authorized by the department in writing. ~~When~~ IF autho-  
 8 rization ~~has been~~ IS granted, the ~~buoys or beacons shall be~~  
 9 ~~placed~~ PERSON SHALL PLACE THE BUOY OR BEACON only in accordance  
 10 with the terms of the permit. ~~and shall be deemed~~ A BUOY OR  
 11 BEACON PLACED IN COMPLIANCE WITH THIS ACT IS lawfully placed.  
 12 ~~If buoys or beacons are~~ THE DEPARTMENT MAY ORDER THE REMOVAL OF  
 13 A BUOY OR BEACON placed in the waters of this state without a  
 14 permit. ~~having been issued, the department may order their~~  
 15 ~~removal. If, in the judgment of the department, buoys or beacons~~  
 16 ~~authorized by it are found to be improperly placed or that the~~  
 17 ~~reason for their placement no longer exists or that the buoys or~~  
 18 ~~beacons do not conform~~ THE DEPARTMENT MAY REVOKE A PERMIT FOR,  
 19 AND MAY ORDER THE REMOVAL OF, A BUOY OR BEACON THAT THE DEPART-  
 20 MENT DETERMINES IS ANY OF THE FOLLOWING:

21 (A) IMPROPERLY PLACED.

22 (B) PLACED AT A SITE WHERE IT IS NO LONGER NEEDED.

23 (C) NOT CONFORMING to the uniform system of marking estab-  
 24 lished by state regulation. ~~the department may revoke the~~  
 25 ~~permit authorizing their placement and may order their removal.~~  
 26 ~~Revocation of permits and orders of removal shall be~~

1 (4) THE DEPARTMENT SHALL REVOKE A PERMIT AND ISSUE AN ORDER  
 2 OF REMOVAL PURSUANT TO SUBSECTION (3) by PROVIDING written notice  
 3 to the person ~~placing the buoys or beacons~~ WHO PLACED THE BUOY  
 4 OR BEACON AT A SITE or to the person to whom the permit was  
 5 issued, at ~~his~~ THAT PERSON'S last known address, directing the  
 6 removal within a specified time. The person to whom the notice  
 7 is directed shall remove the ~~buoys or beacons~~ BUOY OR BEACON in  
 8 accordance with the ~~instructions~~ WRITTEN NOTICE. If the person  
 9 fails to remove the ~~buoys or beacons~~ BUOY OR BEACON within the  
 10 specified time, the department may ~~cause their removal, and the~~  
 11 ~~cost and expense of the removal shall be charged against the~~  
 12 ~~person authorized to place the buoys or beacons or, where autho-~~  
 13 ~~rization has not been granted, the person placing such buoys or~~  
 14 ~~beacons and shall be~~ REMOVE THE BUOY OR BEACON AT THAT PERSON'S  
 15 COST. THE DEPARTMENT MAY REMOVE AN UNAUTHORIZED BUOY OR BEACON  
 16 AND RECOVER THE COST OF THAT REMOVAL FROM THE PERSON WHO PLACED  
 17 THE BUOY OR BEACON AT A SITE WITHOUT A PERMIT. THE COSTS ARE  
 18 recoverable through ~~any~~ A court of competent jurisdiction.

19 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
 20 CIVIL INFRACTION.

21 Sec. 161. (1) ~~The~~ UPON THE DIRECTION OF A PEACE OFFICER,  
 22 THE operator or person in charge of a vessel being used or oper-  
 23 ated on the waters of this state ~~, upon being hailed by any~~  
 24 ~~peace officer empowered to enforce the provisions of this act or~~  
 25 ~~the provisions of a local ordinance or rules established under~~  
 26 ~~this act,~~ shall immediately bring the vessel to a stop or  
 27 maneuver it in a manner that permits the officer to come

1 alongside. The operator or person in charge of the vessel and  
2 any other person on board shall give his or her correct name and  
3 address, exhibit the certificate of number awarded for the  
4 vessel, and submit to a reasonable inspection of the vessel and  
5 to a reasonable inspection and test of the equipment of the  
6 vessel. A person who is detained for a violation of this act or  
7 of a local ordinance substantially corresponding to a provision  
8 of this act and who furnishes a peace officer false, forged, fic-  
9 titious, or misleading verbal or written information identifying  
10 the person as another person is guilty of a misdemeanor.

11 (2) A peace officer who observes a ~~violation by a~~ person  
12 ~~of this act or of a local ordinance or rule established under~~  
13 ~~this act~~ COMMIT A MARINE LAW VIOLATION THAT IS A FELONY OR A  
14 MISDEMEANOR may arrest the person without a warrant.

15 Sec. 162. (1) If a person 18 YEARS OF AGE OR OLDER is  
16 arrested without a warrant ~~for~~ IN any of the following  
17 CIRCUMSTANCES, THE ARRESTING OFFICER SHALL TAKE the arrested  
18 person, ~~shall be taken,~~ without unreasonable delay, before ~~a~~  
19 THE NEAREST AND MOST ACCESSIBLE magistrate or judge ~~who is~~  
20 HAVING JURISDICTION within the county in which the ~~offense~~  
21 ~~charged~~ VIOLATION is alleged to have ~~been committed, who has~~  
22 ~~jurisdiction of the offense, and who is nearest or most accessi-~~  
23 ~~ble with reference to the place where the arrest is made~~  
24 OCCURRED, OR, IF THE ARRESTED PERSON IS LESS THAN 18 YEARS OF  
25 AGE, THE ARRESTING OFFICER SHALL TAKE THAT PERSON BEFORE THE  
26 JUVENILE DIVISION OF THE PROBATE COURT OF THE COUNTY WITHIN WHICH  
27 THE VIOLATION IS ALLEGED TO HAVE OCCURRED:

1 (a) The person is ~~arrested upon a charge of~~ ALLEGED TO  
2 HAVE COMMITTED negligent homicide.

3 (b) The person is ~~arrested under~~ ALLEGED TO HAVE VIOLATED  
4 section 171(1), (3), (4), or (5), or a local ordinance substan-  
5 tially corresponding to section 171(1) or (3).

6 (c) The person is ~~arrested under~~ ALLEGED TO HAVE VIOLATED  
7 section 74 or a local ordinance substantially corresponding to  
8 section 74.

9 (2) If ~~in~~ the ARRESTING OFFICER DETERMINES THAT UNDER  
10 existing circumstances ~~it does not appear that releasing~~ the  
11 RELEASE OF THE ARRESTED person pending the issuance of a warrant  
12 will NOT constitute a public menace, the arresting officer may  
13 proceed ~~as~~ IN THE MANNER provided by section 163.

14 Sec. 163. (1) ~~When~~ IF a person is arrested without a war-  
15 rant for ~~any~~ A MARINE LAW violation ~~of this act punishable as~~  
16 ~~a misdemeanor, or of a provision of any local ordinance or rule~~  
17 ~~established in conformity with this act,~~ THAT IS PUNISHABLE AS A  
18 MISDEMEANOR, under conditions not referred to in section 162, the  
19 arresting officer shall prepare, ~~in duplicate~~ AS SOON AS POSSI-  
20 BLE AND AS COMPLETELY AS POSSIBLE, AN ORIGINAL AND 3 COPIES OF a  
21 written ~~notice~~ CITATION to appear in court containing the name  
22 and address of the person, the offense charged, and the time and  
23 place when and where the person shall appear in court. THE OFFI-  
24 CER SHALL INFORM THE OFFENDER OF THE VIOLATION AND SHALL GIVE THE  
25 SECOND COPY OF THE CITATION TO THE ALLEGED OFFENDER. If the  
26 arrested person ~~so~~ demands ~~, he or she shall be taken~~ AN  
27 IMMEDIATE HEARING, THE ARRESTING OFFICER SHALL TAKE HIM OR HER

1 before a DISTRICT COURT magistrate or a district court judge OR A  
2 MUNICIPAL COURT JUDGE OR THE PROBATE COURT as provided in section  
3 162 in lieu of being given the ~~notice~~ CITATION.

4 (2) The time specified in the ~~notice~~ CITATION to appear  
5 shall be within a reasonable time after the arrest unless the  
6 person arrested demands an earlier hearing.

7 (3) ~~The~~ IF THE PERSON ARRESTED IS 18 YEARS OF AGE OR  
8 OLDER, THE place OF COURT APPEARANCE specified in the ~~notice to~~  
9 ~~appear~~ CITATION shall be ~~before a magistrate or~~ a district  
10 court ~~judge~~ OR A MUNICIPAL COURT HAVING JURISDICTION within the  
11 CITY, township, or county in which the offense charged is alleged  
12 to have ~~been committed and who has jurisdiction of the offense~~  
13 OCCURRED. IF THE ARRESTED PERSON IS LESS THAN 18 YEARS OF AGE,  
14 THE PLACE OF COURT APPEARANCE SPECIFIED IN THE CITATION SHALL BE  
15 THE JUVENILE DIVISION OF THE PROBATE COURT WITHIN THE COUNTY IN  
16 WHICH THE VIOLATION CHARGED IS ALLEGED TO HAVE OCCURRED.

17 (4) ~~Appearance may be made~~ A PERSON 18 YEARS OF AGE OR  
18 OLDER MAY MAKE AN APPEARANCE in person, by representation or by  
19 mail. ~~When~~ IF appearance is made by representation ~~or~~ or  
20 mail, the DISTRICT COURT magistrate or ~~the district court~~ judge  
21 OR THE MUNICIPAL COURT JUDGE may accept the plea of guilty or not  
22 guilty for purposes of arraignment, with the same effect as  
23 though the person personally appeared before him or her. The  
24 DISTRICT COURT magistrate or ~~the district court~~ judge OR THE  
25 MUNICIPAL COURT JUDGE, by giving notice 5 ~~days~~ DAYS prior to  
26 the date of appearance, may require appearance in person at the  
27 time and place designated in the ~~notice~~ CITATION.



1 SEC. 163A. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER  
2 SECTION 163 FOR A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT  
3 MORE THAN 90 DAYS, A COURT HAVING JURISDICTION MAY ACCEPT A PLEA  
4 OF GUILTY OR NOT GUILTY UPON THE CITATION WITHOUT RECEIPT OF A  
5 SWORN COMPLAINT, BUT SHALL NOT MAKE A DOCKET RETURN ON THE COM-  
6 PLAINTE UNTIL THE OFFICER SIGNS THE COMPLAINT.

7 (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER  
8 SECTION 163 PLEADS NOT GUILTY, A COURT SHALL HOLD NO FURTHER PRO-  
9 CEEDINGS UNTIL A SWORN COMPLAINT IS FILED WITH THE MAGISTRATE OR  
10 JUDGE. A COURT SHALL NOT ISSUE AN ARREST WARRANT FOR A PERSON TO  
11 WHOM A CITATION WAS ISSUED UNDER SECTION 163 UNTIL A SWORN COM-  
12 PLAINTE AGAINST THAT PERSON IS FILED WITH THE COURT.

13 Sec. 164. (1) ~~When~~ IF a person not a resident of this  
14 state ~~is arrested~~ DEMANDS AN IMMEDIATE HEARING UPON THAT  
15 PERSON'S ARREST without a warrant for ~~any~~ A violation of this  
16 act ~~under conditions~~ OR A RULE OR LOCAL ORDINANCE ESTABLISHED  
17 IN CONFORMITY WITH THIS ACT, THAT IS PUNISHABLE AS A MISDEMEANOR,  
18 AND THE VIOLATION IS not referred to under section 162, the offi-  
19 cer making the arrest ~~, upon demand of the arrested person,~~  
20 shall ~~forthwith~~ IMMEDIATELY take the person before a DISTRICT  
21 COURT magistrate or ~~a district court judge in the vicinity to~~  
22 ~~answer to the complaint made against him or her~~ JUDGE, A MUNICI-  
23 PAL COURT JUDGE, OR THE PROBATE COURT HAVING JURISDICTION NEAREST  
24 THE SITE OF THE ALLEGED VIOLATION FOR A HEARING. If a  
25 magistrate, ~~or a district court~~ judge, OR COURT HAVING JURIS-  
26 DICTION OVER THE ARRESTED PERSON is not available or an immediate  
27 trial cannot be had, the person arrested may recognize to ~~such~~

1 THE ARRESTING officer for his or her appearance by leaving with  
2 ~~him or her~~ THE OFFICER A GUARANTEED APPEARANCE CERTIFICATE OR a  
3 sum of money not to exceed \$25.00, ~~—~~ AND THE FOLLOWING SHALL  
4 APPLY:

5 (A) ~~(2) In all cases the~~ THE officer making the arrest  
6 shall give ~~a receipt~~ to the person arrested A WRITTEN CITATION  
7 AS PROVIDED IN SECTION 163 AND A RECEIPT for the GUARANTEED  
8 APPEARANCE CERTIFICATE OR THE money ~~so~~ deposited with ~~him or~~  
9 ~~her together with a written summons as provided in section 163~~  
10 THAT OFFICER.

11 (B) ~~(3)~~ If the ~~offender~~ ARRESTED PERSON fails to appear  
12 as required IN THE CITATION, the GUARANTEED APPEARANCE CERTIFI-  
13 CATE OR deposit shall be forfeited as in other cases of default  
14 in bail ~~—~~ in addition to any other penalty provided in this  
15 act.

16 (2) ~~(4) Every officer taking a~~ NOT MORE THAN 48 HOURS  
17 AFTER A PEACE OFFICER RECEIVES A CERTIFICATE OR deposit OF MONEY  
18 under this section, ~~within 48 hours thereafter shall deposit it~~  
19 ~~with the magistrate or the district court judge named in the~~  
20 ~~notice to appear, together with a report stating the facts relat-~~  
21 ~~ing to the arrest.~~ HE OR SHE SHALL DELIVER THAT CERTIFICATE OR  
22 DEPOSIT OF MONEY AND A REPORT STATING THE FACTS RELATING TO THE  
23 ARREST TO THE COURT NAMED IN THE CITATION, OR TO THE POLICE CHIEF  
24 OR PERSON AUTHORIZED BY THE POLICE CHIEF TO RECEIVE CERTIFICATES  
25 AND DEPOSITS. THE POLICE CHIEF OR PERSON AUTHORIZED BY THE  
26 POLICE CHIEF SHALL DEPOSIT WITH THE COURT THE CERTIFICATE OR THE

1 MONEY DEPOSITED AND THE CITATION IN THE SAME MANNER AS PRESCRIBED  
2 FOR CITATIONS IN SECTION 193B. ~~Failure to make the report and~~

3 (3) THE FAILURE OF A PERSON IN RECEIPT OF MONEY UNDER THIS  
4 SECTION TO deposit ~~the~~ THAT money IN THE MANNER PRESCRIBED BY  
5 THIS SECTION is embezzlement of public money.

6 (4) FOR PURPOSES OF THIS SECTION, "GUARANTEED APPEARANCE  
7 CERTIFICATE" MEANS THAT TERM AS DEFINED IN SECTION 194F.

8 Sec. 165. (1) ~~Any~~ A PEACE officer, DISTRICT COURT magis-  
9 trate, ~~or~~ district court judge, ~~violating~~ OR MUNICIPAL COURT  
10 JUDGE WHO VIOLATES section 163 or 164 is guilty of misconduct in  
11 office and is subject to removal from office.

12 (2) Sections 163 and 164 ~~shall~~ govern ~~all~~ A peace  
13 ~~officers~~ OFFICER in making ~~arrests~~ AN ARREST without a war-  
14 rant for ~~violations of this act and shall not be construed as~~  
15 ~~preventing~~ A MARINE LAW VIOLATION AND DO NOT PREVENT the execu-  
16 tion of a warrant for the arrest of ~~the~~ A person. ~~as in other~~  
17 ~~cases of misdemeanors when it may be necessary.~~

18 Sec. 166. (1) ~~Unless~~ EXCEPT AS otherwise ~~specified~~  
19 ~~under~~ PROVIDED IN this act, a MARINE LAW violation ~~of any of~~  
20 ~~the provisions of this act or rules established in conformity~~  
21 ~~with it,~~ is a misdemeanor. ~~A~~

22 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A polit-  
23 ical subdivision ~~having adopted any~~ THAT ENACTS A local ordi-  
24 nance in conformity with this act may provide that ~~any~~ A viola-  
25 tion ~~thereof~~ OF THAT ORDINANCE is a misdemeanor OR A CIVIL  
26 INFRACTION. ~~Any~~

1 (3) A POLITICAL SUBDIVISION SHALL NOT ENACT A LOCAL  
2 ORDINANCE THAT PROVIDES A CRIMINAL PENALTY FOR AN ACT OR OMISSION  
3 THAT IS A CIVIL INFRACTION UNDER THIS ACT, OR THAT IMPOSES A PEN-  
4 ALTY IN EXCESS OF THAT PRESCRIBED IN THIS ACT. A LOCAL ORDINANCE  
5 THAT IS IN CONFLICT WITH THIS ACT IS VOID TO THE EXTENT OF THE  
6 CONFLICT.

7 (4) A COURT HAVING JURISDICTION OVER A person convicted of  
8 reckless operation of a vessel as defined in section 74, or of  
9 operating a vessel while under the influence of intoxicating  
10 liquor or narcotic drugs, in addition to IMPOSING any other pen-  
11 alty, may ~~be refused by the court having jurisdiction of the~~  
12 ~~violation, the right of~~ PROHIBIT THAT CONVICTED PERSON FROM  
13 operating ~~any~~ A vessel on ~~any of~~ the waters of this state for  
14 a period of not more than 2 years.

15 Sec. 191. (1) ~~When wind conditions on the Great Lakes~~  
16 ~~attain a magnitude whereby~~ IF 1/3 of the waves ~~resulting~~  
17 ~~therefrom~~ ON THE GREAT LAKES RESULTING FROM WIND CONDITIONS  
18 cause ~~any~~ A public dock, pier, wharf, or retaining wall to be  
19 awash, ~~it constitutes a state not conducive to the orderly and~~  
20 ~~safe use and occupancy of such structures~~ THAT PUBLIC DOCK,  
21 PIER, WHARF, OR RETAINING WALL IS UNSAFE.

22 (2) ~~When such~~ IF THE conditions DESCRIBED IN SUBSECTION  
23 (1) exist, ~~any~~ A harbormaster, peace ~~or police~~ officer, or  
24 other authorized official may rope off or barricade entry to  
25 ~~these structures~~ THE UNSAFE PUBLIC DOCK, PIER, WHARF, OR  
26 RETAINING WALL, or THAT PERSON MAY post in a conspicuous manner  
27 notices that entry ~~thereon~~ TO THAT PUBLIC DOCK, PIER, WHARF, OR

1 RETAINING WALL for the purpose of fishing, swimming, or other  
2 recreational activity is prohibited.

3 (3) A person shall not knowingly enter or remain upon ~~any~~  
4 A public dock, pier, wharf, or retaining wall for the purpose of  
5 fishing, swimming, or other recreational activity when ~~(1)~~ 1 OR  
6 MORE OF THE FOLLOWING EXIST:

7 (A) THE PUBLIC DOCK, PIER, WHARF, OR RETAINING WALL IS  
8 roped, cabled, or otherwise barricaded in a manner designed to  
9 exclude intruders. ~~-(2)-~~

10 (B) A notice against entry is ~~given by posting~~ POSTED in a  
11 conspicuous manner. ~~-(3)-~~

12 (C) A notice to leave or stay off is personally communicated  
13 to him OR HER by a peace ~~or police~~ officer or other authorized  
14 official of the local unit of government.

15 Sec. 192. (1) The owner or person in charge of a bathing  
16 beach maintained primarily for public ~~usage~~ USE shall not know-  
17 ingly permit a person to bathe or swim from the bathing beach  
18 unless buoys are established in accordance with section 141, out-  
19 lining a safe bathing or swimming area.

20 (2) A person who is bathing or swimming from a bathing beach  
21 maintained primarily for public ~~usage~~ USE shall not bathe or  
22 swim in waters which are within 100 feet beyond the buoyed bath-  
23 ing or swimming area. This subsection ~~shall~~ DOES not apply to  
24 persons swimming from adjacent privately owned beaches ~~which~~  
25 THAT are not open to the general public.

26 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
27 CIVIL INFRACTION.

1        SEC. 193. EACH POLICE CHIEF, INCLUDING THE CHIEFS OF THE  
2 STATE POLICE AND LAW ENFORCEMENT DIVISION OF THE DEPARTMENT, AND  
3 EACH SHERIFF SHALL ISSUE CITATION BOOKS OF CONSECUTIVELY NUMBERED  
4 CITATIONS TO EACH PEACE OFFICER OF HIS OR HER DEPARTMENT WHOSE  
5 DUTIES MAY OR WILL INCLUDE ENFORCEMENT OF MARINE LAW. EACH  
6 POLICE CHIEF SHALL OBTAIN A RECEIPT FROM THE OFFICER TO WHOM A  
7 CITATION BOOK HAS BEEN ISSUED UPON A FORM CREATED BY THE SECRE-  
8 TARY OF STATE, THE ATTORNEY GENERAL, THE STATE COURT ADMINISTRA-  
9 TOR, AND THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

10       SEC. 193A. (1) AS USED IN THIS ACT, "CITATION" MEANS AN  
11 ORIGINAL AND 3 COPIES OF A WRITTEN NOTICE TO APPEAR, ON A FORM  
12 APPROVED BY THE SECRETARY OF STATE, ATTORNEY GENERAL, STATE COURT  
13 ADMINISTRATOR, AND THE DIRECTOR OF STATE POLICE, UPON WHICH A  
14 PEACE OFFICER RECORDS AN OCCURRENCE OF A PERSON'S ALLEGED VIOLA-  
15 TION OF A MARINE LAW.

16       (2) EACH CITATION ISSUED BY A PEACE OFFICER SHALL CONTAIN  
17 THE NAME OF THE STATE OR POLITICAL SUBDIVISION ACTING AS PLAIN-  
18 TIFF, THE NAME AND ADDRESS OF THE PERSON TO WHOM THE CITATION IS  
19 ISSUED, THE ALLEGED MARINE LAW VIOLATION, THE PLACE WHERE THE  
20 PERSON SHALL APPEAR IN COURT, THE TELEPHONE NUMBER OF THE COURT,  
21 THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE MADE, AND THE  
22 ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

23       (3) THE CITATION SHALL INFORM THE PERSON ALLEGED TO BE  
24 RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION THAT HE OR SHE MAY  
25 DO 1 OF THE FOLLOWING AT OR BY THE TIME SPECIFIED FOR  
26 APPEARANCE:

1 (A) ADMIT RESPONSIBILITY FOR THE CIVIL INFRACTION IN PERSON,  
2 BY REPRESENTATION, OR BY MAIL.

3 (B) ADMIT RESPONSIBILITY FOR THE CIVIL INFRACTION "WITH  
4 EXPLANATION" IN PERSON, BY REPRESENTATION, OR BY MAIL.

5 (C) DENY RESPONSIBILITY FOR THE CIVIL INFRACTION BY DOING  
6 EITHER OF THE FOLLOWING:

7 (i) APPEARING IN PERSON FOR AN INFORMAL HEARING BEFORE A  
8 DISTRICT COURT MAGISTRATE OR A JUDGE, WITHOUT BEING REPRESENTED  
9 BY AN ATTORNEY.

10 (ii) APPEARING IN COURT FOR A FORMAL HEARING BEFORE A JUDGE,  
11 WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

12 (4) THE CITATION SHALL INFORM THE PERSON ALLEGED TO BE  
13 RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION THAT IF THE PERSON  
14 DESIRES TO ADMIT RESPONSIBILITY "WITH EXPLANATION" OTHER THAN BY  
15 MAIL OR TO HAVE AN INFORMAL HEARING OR A FORMAL HEARING, THE  
16 PERSON IS REQUIRED TO APPLY TO THE COURT IN PERSON, BY MAIL, OR  
17 BY TELEPHONE, WITHIN THE TIME SPECIFIED FOR APPEARANCE AND OBTAIN  
18 A SCHEDULED DATE AND TIME TO APPEAR FOR A HEARING. A HEARING  
19 DATE MAY BE SPECIFIED ON THE CITATION.

20 (5) EACH CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE  
21 THAT THE FAILURE OF A PERSON TO APPEAR WITHIN THE TIME SPECIFIED  
22 IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR APPEAR-  
23 ANCE WILL RESULT IN ENTRY OF A DEFAULT JUDGMENT AGAINST THE  
24 PERSON. TIMELY APPLICATION TO THE COURT FOR A HEARING OR RETURN  
25 OF THE CITATION WITH AN ADMISSION OF RESPONSIBILITY AND WITH FULL  
26 PAYMENT OF APPLICABLE CIVIL FINES AND COSTS FOR A MARINE LAW  
27 CIVIL INFRACTION CONSTITUTES A TIMELY APPEARANCE.

1 (6) IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A  
2 MISDEMEANOR, THE PEACE OFFICER ISSUING THE CITATION SHALL PROVIDE  
3 THE PERSON TO WHOM IT IS ISSUED THE SECOND COPY OF THE CITATION.  
4 IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A CIVIL  
5 INFRACTION, THE PEACE OFFICER ISSUING THE CITATION SHALL PROVIDE  
6 THE PERSON TO WHOM IT IS ISSUED THE THIRD COPY OF THE CITATION.

7 (7) FOR PURPOSES OF THIS ACT, A COMPLAINT SIGNED BY A PEACE  
8 OFFICER SHALL BE TREATED AS MADE UNDER OATH IF THE VIOLATION  
9 ALLEGED IN THE COMPLAINT IS EITHER A CIVIL INFRACTION OR A MINOR  
10 OFFENSE AS THAT TERM IS DEFINED IN SECTION 1 OF CHAPTER I OF THE  
11 CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
12 1927, BEING SECTION 761.1 OF THE MICHIGAN COMPILED LAWS, AND  
13 OCCURRED OR WAS COMMITTED IN THE SIGNING OFFICER'S PRESENCE OR  
14 UNDER CIRCUMSTANCES PERMITTING THE OFFICER'S ISSUANCE OF A  
15 CITATION UNDER THIS ACT, AND IF THE COMPLAINT CONTAINS THE FOL-  
16 LOWING STATEMENT IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF THE  
17 OFFICER:

18 "I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATE-  
19 MENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE,  
20 AND BELIEF."

21 SEC. 193B. (1) BEFORE THE EXPIRATION OF 48 HOURS AFTER THE  
22 COMPLETION OF HIS OR HER TOUR OF DUTY, A PEACE OFFICER TO WHOM A  
23 CITATION BOOK HAS BEEN ISSUED AND WHO HAS RECORDED THE OCCURRENCE  
24 OF A MARINE LAW VIOLATION UPON A CITATION SHALL DELIVER TO HIS OR  
25 HER POLICE CHIEF OR TO A PERSON DULY AUTHORIZED BY THE POLICE  
26 CHIEF TO RECEIVE CITATIONS ALL COPIES OF THE CITATION DULY  
27 SIGNED. THE POLICE CHIEF OR A PERSON DULY AUTHORIZED BY THE



1 POLICE CHIEF SHALL DEPOSIT THE ORIGINAL OF THE CITATION WITH THE  
2 COURT HAVING JURISDICTION OVER THE OFFENSE NOT LATER THAN 3 DAYS  
3 AFTER THE DATE OF THE CITATION, EXCLUDING SATURDAYS, SUNDAYS, AND  
4 LEGAL HOLIDAYS.

5 (2) THE CITATION IS DEPOSITED WITH THE COURT AS REQUIRED  
6 UNDER SUBSECTION (1) IF THE ORIGINAL OF THE CITATION IS MAILED  
7 NOT LATER THAN 2 DAYS AFTER THE DATE OF THE CITATION AS SPECIFIED  
8 UNDER THIS SUBSECTION. MAILING IS ACCOMPLISHED BY ENCLOSING THE  
9 ORIGINAL OF THE CITATION IN A SEALED ENVELOPE WITH FIRST CLASS  
10 POSTAGE FULLY PREPAID, ADDRESSED TO THE COURT, AND DEPOSITING THE  
11 ENVELOPE AND CONTENTS IN THE UNITED STATES GOVERNMENT MAIL.

12 (3) IF A CITATION IS SPOILED, MUTILATED, OR VOIDED, THE  
13 PEACE OFFICER WHO ISSUED THAT CITATION SHALL ENDORSE IT WITH A  
14 STATEMENT FULLY EXPLAINING ITS CONDITION, AND SHALL PROVIDE HIS  
15 OR HER CHIEF OFFICER OR THAT PERSON'S AUTHORIZED DESIGNEE WITH  
16 THE STATEMENT.

17 (4) THIS ACT DOES NOT PREVENT A PERSON WHO IS NOT A PEACE  
18 OFFICER FROM APPLYING FOR THE ISSUANCE OF A CRIMINAL COMPLAINT  
19 FOR A MARINE LAW VIOLATION WHICH IS NOT A CIVIL INFRACTION, AND  
20 THAT PERSON IS NOT REQUIRED TO SHOW THAT THE ALLEGED OFFENDER HAS  
21 BEEN ISSUED A CITATION IN CONNECTION WITH THE OFFENSE.

22 SEC. 193C. THE STATE TREASURER SHALL ESTABLISH PROCEDURES  
23 TO ENSURE THE ACCOUNTABILITY OF ALL JURISDICTIONS PROCESSING  
24 MARINE LAW VIOLATION CITATIONS. THE RECORD SHOWING THE ISSUANCE  
25 AND SUBSEQUENT DISPOSITION SHALL BE MAINTAINED COMPLETE FOR AT  
26 LEAST 5 YEARS FOLLOWING ISSUANCE AND DISPOSITION AND THE RECORDS  
27 AND NOTICES SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION.

1        SEC. 193D. THE FISCAL OFFICER OF THE POLITICAL SUBDIVISION  
2 TO WHICH A MARINE LAW ENFORCEMENT AGENCY OR DEPARTMENT IS RESPON-  
3 SIBLE SHALL CONDUCT A COMPLETE AUDIT OF CITATION RECORDS OF THAT  
4 POLITICAL SUBDIVISION AT LEAST ANNUALLY. THE STATE TREASURER MAY  
5 AUDIT THOSE CITATION RECORDS AT ANY TIME.

6        SEC. 193E. A PERSON WHO KNOWINGLY FALSIFIES A CITATION OR  
7 COPIES OF A CITATION, OR A RECORD OF THE ISSUANCE OF A CITATION,  
8 OR DISPOSES OF A CITATION, COPY, OR RECORD, IN A MANNER OTHER  
9 THAN AS REQUIRED IN THIS ACT, OR ATTEMPTS SO TO FALSIFY OR DIS-  
10 POSE, OR ATTEMPTS TO INCITE OR PROCURE ANOTHER SO TO FALSIFY OR  
11 DISPOSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR  
12 NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$500.00, OR  
13 BOTH.

14       SEC. 193F. EACH MUNICIPAL JUDGE AND EACH CLERK OF A COURT  
15 OF RECORD SHALL KEEP A FULL RECORD OF EVERY CASE IN WHICH A  
16 PERSON IS CHARGED WITH OR CITED FOR A MARINE LAW VIOLATION.

17       SEC. 193G. (1) A CIVIL INFRACTION ACTION IS A CIVIL ACTION  
18 IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR A MARINE  
19 LAW CIVIL INFRACTION. UPON THE ISSUANCE AND SERVICE OF A  
20 CITATION AS PROVIDED IN SECTION 193H, A CIVIL INFRACTION ACTION  
21 MAY BE BROUGHT IN A DISTRICT COURT OR A MUNICIPAL COURT BY EITHER  
22 OF THE FOLLOWING:

23       (A) THE STATE, IF THE ALLEGED CIVIL INFRACTION IS A VIOLA-  
24 TION OF THIS ACT OR A RULE ESTABLISHED IN CONFORMITY WITH THIS  
25 ACT.

1 (B) A POLITICAL SUBDIVISION, IF THE ALLEGED CIVIL INFRACTION  
2 IS A VIOLATION OF A LOCAL ORDINANCE OF THAT SUBDIVISION WHICH IS  
3 ESTABLISHED IN CONFORMITY WITH THIS ACT.

4 (2) THE TIME FOR APPEARANCE SPECIFIED IN A CITATION FOR A  
5 CIVIL INFRACTION SHALL BE WITHIN A REASONABLE TIME AFTER THE  
6 CITATION IS ISSUED PURSUANT TO SECTION 193H.

7 (3) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE IS  
8 THE MUNICIPAL COURT OR DISTRICT COURT THAT HAS TERRITORIAL JURIS-  
9 DICTION OF THE SITE OF THE CIVIL INFRACTION. VENUE IN THE DIS-  
10 TRICT COURT SHALL BE GOVERNED BY SECTION 8312 OF THE REVISED  
11 JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961,  
12 BEING SECTION 600.8312 OF THE MICHIGAN COMPILED LAWS.

13 (4) IF THE PERSON CITED FOR A CIVIL INFRACTION IS LESS THAN  
14 18 YEARS OF AGE, HE OR SHE MAY APPEAR IN A DISTRICT OR MUNICIPAL  
15 COURT TO ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION WITHOUT  
16 APPOINTMENT OF A GUARDIAN OR NEXT FRIEND. A DISTRICT COURT OR  
17 MUNICIPAL COURT HAS JURISDICTION OVER THAT PERSON AND MAY PROCEED  
18 IN THE SAME MANNER AND IN ALL RESPECTS AS IF THAT INDIVIDUAL WERE  
19 18 YEARS OF AGE OR OLDER.

20 SEC. 193H. (1) A PEACE OFFICER WHO WITNESSES A PERSON COM-  
21 MITTING A MARINE LAW CIVIL INFRACTION MAY DO ANY OF THE  
22 FOLLOWING:

23 (A) STOP THE PERSON.

24 (B) DETAIN THE PERSON TEMPORARILY TO MAKE A RECORD OF THE  
25 VESSEL CHECK.

26 (C) PREPARE AND SUBSCRIBE, AS SOON AND AS COMPLETELY AS  
27 POSSIBLE, A CITATION FOR 1 OR MORE CIVIL INFRACTIONS.

1       (2) IF A PEACE OFFICER OF A GOVERNMENTAL UNIT WITNESSES A  
2 PERSON COMMITTING A CIVIL INFRACTION WITHIN THAT GOVERNMENTAL  
3 UNIT, THAT PEACE OFFICER MAY PURSUE, STOP, AND DETAIN THE PERSON  
4 OUTSIDE THE GOVERNMENTAL UNIT WHERE THE VIOLATION OCCURRED TO  
5 EXERCISE THE AUTHORITY AND PERFORM THE DUTIES PRESCRIBED IN THIS  
6 SECTION AND SECTION 194F.

7       (3) A PEACE OFFICER MAY ISSUE A CITATION TO A PERSON WHO IS  
8 THE OPERATOR OF A VESSEL INVOLVED IN AN ACCIDENT IF, BASED UPON  
9 PERSONAL INVESTIGATION, THE OFFICER HAS REASONABLE CAUSE TO  
10 BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION IN  
11 CONNECTION WITH THE ACCIDENT.

12       (4) IF EACH OF THE FOLLOWING OCCURS, A PEACE OFFICER MAY  
13 ISSUE A CITATION TO A PERSON WHO IS THE OPERATOR OF A VESSEL:

14       (A) BASED UPON THE PEACE OFFICER'S PERSONAL INVESTIGATION OF  
15 A COMPLAINT BY A WITNESS TO AN ALLEGED VIOLATION OF THIS ACT OR A  
16 RULE OR LOCAL ORDINANCE ESTABLISHED IN CONFORMITY WITH THIS ACT,  
17 THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE OPERA-  
18 TOR OF A VESSEL IS RESPONSIBLE FOR A CIVIL INFRACTION.

19       (B) THE PROSECUTING ATTORNEY OR ATTORNEY FOR THE POLITICAL  
20 SUBDIVISION HAVING JURISDICTION PROVIDES WRITTEN APPROVAL OF THE  
21 ISSUANCE OF THE CITATION.

22       (5) THE FORM OF A CITATION ISSUED UNDER SUBSECTION (1) OR  
23 (3) SHALL BE AS PRESCRIBED IN SECTION 193A.

24       (6) THE OFFICER SHALL INFORM THE PERSON OF THE ALLEGED CIVIL  
25 INFRACTION OR INFRACTIONS AND SHALL DELIVER THE THIRD COPY OF THE  
26 CITATION TO THE ALLEGED OFFENDER.

1        SEC. 194. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER  
2 SECTION 193H FOR A CIVIL INFRACTION, THE COURT HAVING  
3 JURISDICTION MAY ACCEPT AN ADMISSION WITH EXPLANATION OR AN  
4 ADMISSION OR DENIAL OF RESPONSIBILITY UPON THE CITATION WITHOUT A  
5 SWORN COMPLAINT.

6        (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER  
7 SECTION 193H DENIES RESPONSIBILITY FOR THE CIVIL INFRACTION, THE  
8 COURT SHALL NOT HOLD FURTHER PROCEEDINGS UNTIL A SWORN COMPLAINT  
9 IS FILED WITH THAT COURT. A COURT SHALL NOT ISSUE A WARRANT FOR  
10 ARREST OF A PERSON UNDER SECTION 195B UNTIL A SWORN COMPLAINT  
11 AGAINST THE PERSON IS FILED WITH THE COURT.

12       SEC. 194A. A PEACE OFFICER WHO KNOWINGLY MAKES A MATERIALLY  
13 FALSE STATEMENT IN A CITATION ISSUED UNDER SECTION 193H IS GUILTY  
14 OF PERJURY, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN  
15 15 YEARS, AND IN ADDITION A COURT HAVING JURISDICTION SHALL ISSUE  
16 AN ORDER DECLARING THAT PEACE OFFICER IN CONTEMPT OF COURT.

17       SEC. 194B. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER  
18 SECTION 193H SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE  
19 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS  
20 PROVIDED IN THIS SECTION.

21       (2) A PERSON MAY ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION  
22 BY APPEARING AT THE COURT IN PERSON, BY REPRESENTATION, OR BY  
23 MAIL. IF APPEARANCE IS MADE BY REPRESENTATION OR MAIL, THE COURT  
24 MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH THE  
25 PERSON PERSONALLY APPEARED IN COURT. UPON ACCEPTANCE OF THE  
26 ADMISSION, THE COURT MAY ORDER ANY OF THE SANCTIONS PERMITTED  
27 UNDER SECTION 195.

1 (3) A PERSON MAY ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION  
2 "WITH EXPLANATION" IN EITHER OF THE FOLLOWING WAYS:

3 (A) BY APPEARING BY MAIL.

4 (B) BY DOING EACH OF THE FOLLOWING:

5 (i) CONTACTING THE COURT IN PERSON, BY MAIL, BY TELEPHONE,  
6 OR BY REPRESENTATION TO OBTAIN FROM THE COURT A SCHEDULED DATE  
7 AND TIME TO APPEAR.

8 (ii) APPEARING, PERSONALLY OR THROUGH COUNSEL, AT THE COURT  
9 ON THE SCHEDULED DATE AND TIME.

10 (4) IF A PERSON ADMITS RESPONSIBILITY FOR A CIVIL INFRACTION  
11 "WITH EXPLANATION" UNDER SUBSECTION (3), THE COURT SHALL ACCEPT  
12 THE ADMISSION AS THOUGH THE PERSON HAS ADMITTED RESPONSIBILITY  
13 UNDER SUBSECTION (2) AND MAY CONSIDER THE PERSON'S EXPLANATION BY  
14 WAY OF MITIGATING ANY SANCTION THAT THE COURT MAY ORDER UNDER  
15 SECTION 195. IF APPEARANCE IS MADE BY REPRESENTATION OR MAIL,  
16 THE COURT MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH  
17 THE PERSON PERSONALLY APPEARED IN COURT, BUT THE COURT MAY  
18 REQUIRE THE PERSON TO PROVIDE A FURTHER EXPLANATION OR TO APPEAR  
19 IN COURT.

20 (5) A PERSON MAY DENY RESPONSIBILITY FOR A CIVIL INFRACTION  
21 BY APPEARING FOR AN INFORMAL OR FORMAL HEARING. UNLESS THE HEAR-  
22 ING DATE IS SPECIFIED ON THE CITATION, THE PERSON SHALL CONTACT  
23 THE COURT IN PERSON, THROUGH A REPRESENTATIVE, BY MAIL, OR BY  
24 TELEPHONE, AND OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN  
25 INFORMAL OR FORMAL HEARING. THE COURT SHALL SCHEDULE AN INFORMAL  
26 HEARING, UNLESS THE PERSON EXPRESSLY REQUESTS A FORMAL HEARING.  
27 IF THE HEARING DATE IS SPECIFIED ON THE CITATION, THE PERSON

1 SHALL APPEAR ON THAT DATE FOR AN INFORMAL HEARING UNLESS THE  
2 PERSON CONTACTS THE COURT AT LEAST 10 DAYS BEFORE THAT DATE IN  
3 PERSON, THROUGH A REPRESENTATIVE, BY MAIL, OR BY TELEPHONE TO  
4 REQUEST A FORMAL HEARING. IF THE PERSON EXPRESSLY REQUESTS A  
5 FORMAL HEARING, THE COURT SHALL SCHEDULE A FORMAL HEARING. IF A  
6 HEARING IS SCHEDULED BY TELEPHONE, THE COURT SHALL MAIL THE  
7 DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY REGULAR MAIL TO  
8 THE ADDRESS APPEARING ON THE CITATION OR TO AN ADDRESS FURNISHED  
9 BY THE DEFENDANT. THE COURT SHALL CONDUCT AN INFORMAL HEARING  
10 PURSUANT TO SECTION 194C AND A FORMAL HEARING PURSUANT TO SECTION  
11 194D.

12 SEC. 194C. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A  
13 DISTRICT COURT MAGISTRATE WHEN AUTHORIZED BY THE JUDGE OR JUDGES  
14 OF THE DISTRICT COURT DISTRICT OR BY A MUNICIPAL COURT JUDGE  
15 HAVING JURISDICTION. A DISTRICT COURT MAGISTRATE MAY ADMINISTER  
16 OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT AND CONCLU-  
17 SIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DISTRICT COURT  
18 MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN INFORMAL  
19 MANNER TO ALLOW SUBSTANTIAL JUSTICE ACCORDING TO LAW, BUT SHALL  
20 NOT BE BOUND BY THE STATUTORY PROVISIONS OR RULES OF PRACTICE,  
21 PROCEDURE, PLEADING, OR EVIDENCE, EXCEPT PROVISIONS RELATING TO  
22 PRIVILEGED COMMUNICATIONS. A JUDGE OR MAGISTRATE SHALL CONDUCT  
23 AN INFORMAL HEARING WITHOUT A JURY. A VERBATIM RECORD OF AN  
24 INFORMAL HEARING IS NOT REQUIRED.

25 (2) AT AN INFORMAL HEARING THE PERSON CITED SHALL NOT BE  
26 REPRESENTED BY AN ATTORNEY AND THE PLAINTIFF SHALL NOT BE

1 REPRESENTED BY THE PROSECUTING ATTORNEY OR ATTORNEY FOR A  
2 POLITICAL SUBDIVISION.

3 (3) A COURT SHALL PROVIDE NOTICE OF A SCHEDULED INFORMAL  
4 HEARING TO THE LAW ENFORCEMENT AGENCY OR DEPARTMENT THAT ISSUED  
5 THE CITATION. A PARTY MAY ISSUE A SUBPOENA TO COMPEL THE  
6 ATTENDANCE OF A WITNESS, AND A WITNESS FEE IS NOT REQUIRED TO BE  
7 PAID TO A WITNESS IN ADVANCE OF AN INFORMAL HEARING. A WITNESS  
8 FEE FOR A PROSECUTION WITNESS IS PAYABLE BY ANY OF THE  
9 FOLLOWING:

10 (A) THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT HOLDING  
11 THE HEARING.

12 (B) THE CITY OR VILLAGE WHERE THE HEARING IS HELD, IF A DIS-  
13 TRICT COURT DOES NOT HAVE JURISDICTION.

14 (C) THE COUNTY IN WHICH THE HEARING IS HELD, IF THE HEARING  
15 CONSISTS OF THE PROSECUTION OF A PERSON FOR A VIOLATION OF THIS  
16 ACT, AND A DISTRICT COURT DOES NOT HAVE JURISDICTION.

17 (4) IF A JUDGE OR DISTRICT COURT MAGISTRATE DETERMINES BY A  
18 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON CITED IS RESPONSIB-  
19 BLE FOR A CIVIL INFRACTION, THE JUDGE OR MAGISTRATE SHALL ENTER  
20 AN ORDER AGAINST THE PERSON AS PROVIDED IN SECTION 195. IF A  
21 JUDGE OR MAGISTRATE DETERMINES BY A PREPONDERANCE OF THE EVIDENCE  
22 THAT THE PERSON CITED IS NOT RESPONSIBLE FOR A CIVIL INFRACTION,  
23 THE JUDGE OR MAGISTRATE SHALL ENTER AN ORDER FOR THAT PERSON. A  
24 PERSON FOUND NOT RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS  
25 SECTION IS NOT ENTITLED TO RECOVER HIS OR HER COSTS OF THE  
26 ACTION.



1 (5) A PARTY TO AN INFORMAL HEARING MAY APPEAL A JUDGMENT  
2 ENTERED AT THAT HEARING. AN APPEAL FROM A MUNICIPAL COURT IS  
3 SUBJECT TO DE NOVO REVIEW IN THE CIRCUIT COURT. AN APPEAL FROM A  
4 DISTRICT COURT MAGISTRATE DECISION IS SUBJECT TO DE NOVO REVIEW  
5 IN THAT DISTRICT COURT. AN APPEAL FROM A DISTRICT COURT JUDICIAL  
6 DECISION IS SUBJECT TO DE NOVO REVIEW BY A DIFFERENT JUDGE OF  
7 THAT DISTRICT COURT.

8 SEC. 194D. (1) ONLY A JUDGE OF A COURT HAVING JURISDICTION  
9 OVER CIVIL INFRACTIONS UNDER SECTION 193G(1) SHALL CONDUCT A  
10 FORMAL HEARING ON A CITATION ISSUED FOR AN ALLEGED MARINE LAW  
11 CIVIL INFRACTION.

12 (2) A PERSON TO WHOM A CITATION FOR A MARINE LAW CIVIL  
13 INFRACTION IS ISSUED MAY BE REPRESENTED BY AN ATTORNEY IN A  
14 FORMAL HEARING, BUT A COURT MAY NOT APPOINT COUNSEL FOR THAT  
15 PERSON AT PUBLIC EXPENSE.

16 (3) A COURT SHALL PROVIDE NOTICE OF A FORMAL HEARING TO THE  
17 ATTORNEY WHO IS RESPONSIBLE FOR PROSECUTING THE PERSON ALLEGED TO  
18 BE RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION. THAT ATTORNEY  
19 SHALL BE RESPONSIBLE FOR THE ISSUANCE OF A SUBPOENA TO EACH PROS-  
20 ECUTION WITNESS, AND THAT ATTORNEY SHALL APPEAR AT THE FORMAL  
21 HEARING. A PERSON PROSECUTED FOR A MARINE LAW CIVIL INFRACTION  
22 MAY SUBPOENA A WITNESS TO APPEAR AT THE FORMAL HEARING. A WIT-  
23 NESS FEE IS NOT REQUIRED TO BE PAID TO A WITNESS PRIOR TO A  
24 HEARING.

25 (4) THE WITNESS FEE OF A PROSECUTION WITNESS SHALL BE PAID  
26 BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT FOR THE PLACE  
27 WHERE THE HEARING OCCURS, BY THE CITY OR VILLAGE PROSECUTING A

1 PERSON FOR AN ALLEGED MARINE LAW CIVIL INFRACTION IF THE HEARING  
2 INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT WHERE THE DISTRICT  
3 COURT IS NOT FUNCTIONING, OR BY THE COUNTY IF THE HEARING  
4 INVOLVES A CIVIL INFRACTION UNDER THIS ACT IN A DISTRICT WHERE  
5 THE DISTRICT COURT IS NOT FUNCTIONING.

6 (5) A JUDGE SHALL CONDUCT A FORMAL HEARING WITHOUT A JURY.

7 (6) IF A JUDGE DETERMINES BY A PREPONDERANCE OF THE EVIDENCE  
8 THAT THE PERSON CITED IS RESPONSIBLE FOR A MARINE LAW CIVIL  
9 INFRACTION, THE JUDGE SHALL ENTER AN ORDER AGAINST THE PERSON AS  
10 PROVIDED IN SECTION 195. IF A JUDGE DETERMINES BY A PREPONDER-  
11 ANCE OF THE EVIDENCE THAT THE PERSON IS NOT RESPONSIBLE FOR A  
12 MARINE LAW CIVIL INFRACTION, THE JUDGE SHALL ENTER A JUDGMENT FOR  
13 THAT PERSON, BUT SHALL NOT ALLOW THAT PERSON TO RECOVER HIS OR  
14 HER COSTS OF THE ACTION.

15 SEC. 194E. IF THE PERSON TO WHOM A CITATION IS ISSUED FOR A  
16 CIVIL INFRACTION FAILS TO APPEAR AS DIRECTED BY THE CITATION OR  
17 OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER SECTION 194B(3), AT  
18 A SCHEDULED INFORMAL HEARING, OR AT A SCHEDULED FORMAL HEARING,  
19 THE COURT SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT PERSON AND  
20 ALL MATTERS PERTAINING TO THE VIOLATION ARE RESOLVED UNLESS THE  
21 COURT SETS ASIDE THE DEFAULT JUDGMENT.

22 SEC. 194F. (1) IF A PERSON WHO IS NOT A RESIDENT OF THIS  
23 STATE IS STOPPED FOR A CIVIL INFRACTION PURSUANT TO SECTION 193H  
24 AND THAT PERSON HAS IN HIS OR HER POSSESSION AN IDENTIFICATION  
25 DOCUMENT, THE PEACE OFFICER MAKING THE STOP SHALL TAKE THAT  
26 PERSON'S IDENTIFICATION DOCUMENT AS SECURITY FOR THE  
27 NONRESIDENT'S APPEARANCE IN COURT AND SATISFACTION OF ANY ORDER

1 WHICH MAY BE ISSUED UNDER SECTION 195, AND SHALL ISSUE TO THAT  
2 PERSON A CITATION AS PROVIDED IN SECTIONS 193A AND 193H. WITHIN  
3 48 HOURS OF A PEACE OFFICER'S RECEIPT OF AN IDENTIFICATION DOCU-  
4 MENT UNDER THIS SECTION, THAT PEACE OFFICER SHALL DELIVER THE  
5 IDENTIFICATION DOCUMENT TO THE COURT NAMED IN THE CITATION OR TO  
6 THE APPLICABLE CHIEF POLICE OFFICER OR PERSON AUTHORIZED BY THAT  
7 CHIEF POLICE OFFICER TO RECEIVE CITATIONS AND IDENTIFICATION  
8 DOCUMENTS. THE CHIEF POLICE OFFICER OR PERSON AUTHORIZED SHALL  
9 DEPOSIT THE IDENTIFICATION DOCUMENT AND CITATION WITH THE COURT  
10 IN THE SAME MANNER AS PRESCRIBED FOR CITATIONS IN SECTION 193B.  
11 FAILURE TO DELIVER THE IDENTIFICATION DOCUMENT IS CONTEMPT OF  
12 COURT.

13 (2) IN LIEU OF THE OFFICER'S TAKING OF THE IDENTIFICATION  
14 DOCUMENT UNDER SUBSECTION (1) OR BEFORE APPEARANCE IN COURT, THE  
15 PERSON STOPPED MAY GUARANTEE TO THE OFFICER OR TO THE COURT FOR  
16 HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A  
17 GUARANTEED APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED  
18 \$25.00.

19 (3) IF A DISTRICT COURT MAGISTRATE OR JUDGE IS AVAILABLE FOR  
20 AN IMMEDIATE APPEARANCE, AND A NONRESIDENT TO WHOM A CITATION IS  
21 ISSUED DEMANDS AN IMMEDIATE HEARING, THE CITATION ISSUING PEACE  
22 OFFICER SHALL TAKE THE NONRESIDENT BEFORE THE DISTRICT COURT MAG-  
23 ISTRATE OR JUDGE IMMEDIATELY FOR A HEARING ON THE ALLEGED CIVIL  
24 INFRACTION. THE COURT HAVING JURISDICTION SHALL RETURN TO A NON-  
25 RESIDENT THAT PERSON'S IDENTIFICATION UPON COMPLETION OF AN  
26 INFORMAL HEARING OR UPON THAT PERSON'S ADMISSION OF  
27 RESPONSIBILITY, IF ANY OF THE FOLLOWING OCCUR:

1 (A) JUDGMENT IS ENTERED FOR THAT PERSON.

2 (B) AN ADVERSE JUDGMENT AGAINST THAT PERSON IS SATISFIED.

3 (C) THAT PERSON PROVIDES THE COURT WITH A GUARANTEED APPEAR-  
4 ANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$25.00 AS SECUR-  
5 ITY FOR PAYMENT OF ANY FINES OR COSTS ORDERED.

6 (4) IF THE NONRESIDENT DEFENDANT REQUESTS A FORMAL HEARING,  
7 THE COURT SHALL SCHEDULE A HEARING AS PROVIDED IN SECTION 194D,  
8 BUT SHALL RETAIN THE DEFENDANT'S IDENTIFICATION DOCUMENT UNTIL  
9 FINAL RESOLUTION OF THE MATTER UNLESS THE DEFENDANT LEAVES WITH  
10 THE COURT A GUARANTEED APPEARANCE CERTIFICATE OR DEPOSIT AS  
11 DESCRIBED IN SUBSECTION (2) AS SECURITY FOR APPEARANCE AT THE  
12 SCHEDULED FORMAL HEARING.

13 (5) THE OFFICER RECEIVING A GUARANTEED APPEARANCE CERTIFI-  
14 CATE OR DEPOSIT OF MONEY UNDER SUBSECTION (2) SHALL DO EACH OF  
15 THE FOLLOWING:

16 (A) GIVE TO THE PERSON STOPPED FOR AN ALLEGED CIVIL INFRAC-  
17 TION A RECEIPT FOR THE GUARANTEED APPEARANCE CERTIFICATE OR THE  
18 MONEY DEPOSITED.

19 (B) GIVE TO THE PERSON STOPPED FOR AN ALLEGED CIVIL INFRAC-  
20 TION THE WRITTEN CITATION REQUIRED UNDER SUBSECTION (1).

21 (C) WITHIN 48 HOURS AFTER HIS OR HER RECEIPT OF A CERTIFI-  
22 CATE OR DEPOSIT OF MONEY PURSUANT TO THIS SECTION, DEPOSIT THAT  
23 CERTIFICATE OR MONEY WITH THE COURT IDENTIFIED IN THE CITATION,  
24 WITH THE CHIEF OFFICER OF HIS OR HER DEPARTMENT OR AGENCY, OR  
25 WITH THE AUTHORIZED AGENT OF THE CHIEF OFFICER OF HIS OR HER  
26 DEPARTMENT OR AGENCY

1 (6) A CHIEF OFFICER OF A DEPARTMENT OR AGENCY OR THAT  
2 PERSON'S AUTHORIZED AGENT SHALL DELIVER A CERTIFICATE OR MONEY  
3 RECEIVED UNDER THIS SECTION TO THE COURT IN THE SAME MANNER AS  
4 PRESCRIBED FOR CITATIONS IN SECTION 193B. THAT PERSON'S FAILURE  
5 TO DELIVER A CERTIFICATE OR DEPOSIT OF MONEY IN COMPLIANCE WITH  
6 THIS SECTION IS EMBEZZLEMENT OF PUBLIC MONEY.

7 (7) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS  
8 TO APPEAR AS REQUIRED IN THE CITATION OR FOR A SCHEDULED FORMAL  
9 HEARING, THE COURT HAVING JURISDICTION AND VENUE OVER THE CIVIL  
10 INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT PERSON,  
11 AND THAT PERSON SHALL FORFEIT THE GUARANTEED APPEARANCE CERTIFI-  
12 CATE OR MONEY DEPOSITED. THE COURT SHALL APPLY MONEY FORFEITED  
13 UNDER THIS SECTION TO ANY CIVIL FINE OR COSTS ORDERED PURSUANT TO  
14 SECTION 195.

15 (8) AS USED IN THIS SECTION, "GUARANTEED APPEARANCE  
16 CERTIFICATE" MEANS A CARD OR CERTIFICATE CONTAINING A PRINTED  
17 STATEMENT THAT A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS  
18 STATE GUARANTEES THE APPEARANCE OF THE PERSON WHOSE SIGNATURE  
19 APPEARS ON THE CARD OR CERTIFICATE, AND THAT THE COMPANY, IF THE  
20 PERSON FAILS TO APPEAR IN COURT AT THE TIME OF A SCHEDULED INFOR-  
21 MAL OR FORMAL HEARING OR TO PAY ANY FINE OR COSTS IMPOSED PURSU-  
22 ANT TO SECTION 195, WILL PAY ANY FINE, COSTS, OR BOND FORFEITURE  
23 IMPOSED ON THE PERSON IN A TOTAL AMOUNT NOT TO EXCEED \$200.00.

24 SEC. 195. (1) A MARINE LAW VIOLATION THAT IS DESIGNATED A  
25 CIVIL INFRACTION IS NOT A LESSER INCLUDED OFFENSE OF A CRIMINAL  
26 OFFENSE.

1 (2) IF A PERSON IS FOUND TO BE RESPONSIBLE OR RESPONSIBLE  
2 "WITH EXPLANATION" FOR A MARINE LAW CIVIL INFRACTION, A COURT MAY  
3 ORDER THE PERSON TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00 AND  
4 COSTS AS PROVIDED IN SUBSECTION (3). A CIVIL FINE OR COSTS  
5 IMPOSED FOR A MARINE LAW CIVIL INFRACTION ARE PAYABLE IMMEDIATELY  
6 UPON ENTRY OF JUDGMENT, UNLESS A COURT EXPRESSLY INCLUDES IN THE  
7 JUDGMENT A PROVISION FOR THE PERSON TO PAY A CIVIL FINE, COSTS,  
8 OR BOTH, WITHIN A SPECIFIED PERIOD OF TIME OR IN SPECIFIED  
9 INSTALLMENTS.

10 (3) IF A CIVIL FINE IS ORDERED TO BE PAID UNDER  
11 SUBSECTION (2), THE COURT SHALL ASSESS AGAINST THE PERSON FINED  
12 THOSE COSTS, INCLUDING DIRECT AND INDIRECT COSTS OF UP TO  
13 \$100.00, THAT THE PROSECUTION HAS INCURRED IN PROSECUTING THAT  
14 PERSON. A COURT SHALL DEPOSIT THE PROCEEDS OF COSTS RECEIVED  
15 UNDER THIS SECTION INTO THE GENERAL FUND OF THE ENTITY ACTING AS  
16 PLAINTIFF.

17 (4) IN ADDITION TO A CIVIL FINE AND COSTS ORDERED UNDER  
18 SUBSECTION (2), A COURT MAY ORDER THE PERSON RESPONSIBLE FOR A  
19 MARINE LAW VIOLATION TO ATTEND AND COMPLETE A PROGRAM OF TREAT-  
20 MENT, EDUCATION, OR REHABILITATION.

21 (5) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS  
22 PERMITTED UNDER SUBSECTIONS (2) AND (4) ONLY TO THE EXTENT  
23 EXPRESSLY AUTHORIZED BY THE CHIEF JUDGE OR SOLE JUDGE OF THE DIS-  
24 TRICT COURT DISTRICT.

25 (6) A COURT MAY ESTABLISH A SCHEDULE OF ALL OR SOME OF THE  
26 CIVIL FINES AND COSTS AUTHORIZED TO BE IMPOSED FOR CIVIL  
27 INFRACTIONS OCCURRING WITHIN ITS JURISDICTION. A SCHEDULE MAY

1 EXCLUDE FEES AND COSTS AUTHORIZED TO BE IMPOSED AGAINST A PERSON  
2 PREVIOUSLY FOUND RESPONSIBLE FOR A MARINE LAW VIOLATION. IF A  
3 COURT ESTABLISHES A SCHEDULE, IT SHALL PROMINENTLY POST THE  
4 SCHEDULE AND MAKE THAT SCHEDULE READILY AVAILABLE FOR PUBLIC  
5 INSPECTION.

6 (7) THE STATE COURT ADMINISTRATOR SHALL ANNUALLY PUBLISH AND  
7 DISTRIBUTE TO EACH DISTRICT AND COURT A RECOMMENDED RANGE OF  
8 CIVIL FINES AND COSTS FOR FIRST-TIME CIVIL INFRACTIONS. THIS  
9 RECOMMENDATION IS NOT BINDING UPON THE COURTS HAVING JURISDICTION  
10 OVER CIVIL INFRACTIONS, BUT IS A NORMATIVE GUIDE FOR JUDGES AND  
11 DISTRICT COURT MAGISTRATES AND A BASIS FOR PUBLIC EVALUATION OF  
12 DISPARITIES IN THE IMPOSITION OF CIVIL FINES AND COSTS THROUGHOUT  
13 THE STATE.

14 (8) A DEFAULT IN ALL OR A PORTION OF THE PAYMENT OF A CIVIL  
15 FINE OR COSTS ORDERED UNDER SUBSECTION (2) OR (3) MAY BE COL-  
16 LECTED BY A MEANS AUTHORIZED FOR THE ENFORCEMENT OF A JUDGMENT  
17 UNDER CHAPTER 40 OF THE REVISED JUDICATURE ACT OF 1961, ACT  
18 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.4001 TO  
19 600.4065 OF THE MICHIGAN COMPILED LAWS, OR UNDER CHAPTER 60 OF  
20 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.6001  
21 TO 600.6098 OF THE MICHIGAN COMPILED LAWS.

22 (9) IF A PERSON FAILS TO COMPLY WITH AN ORDER OR JUDGMENT  
23 ISSUED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED BY THE  
24 COURT, THE COURT MAY ALSO PROCEED UNDER SECTION 195C.

25 (10) IF A PERSON RECEIVES A CITATION FOR A VIOLATION OF SEC-  
26 TION 33(9), THE COURT SHALL WAIVE ANY FINE AND COSTS, UPON  
27 RECEIPT OF CERTIFICATION BY A LAW ENFORCEMENT AGENCY THAT THE

1 PERSON, BEFORE THE APPEARANCE DATE ON THE CITATION, PRODUCED A  
2 CERTIFICATE OF NUMBER THAT WAS VALID ON THE DATE THE VIOLATION OF  
3 SECTION 33(9) OCCURRED.

4 SEC. 195A. A COURT MAY ADD TO A FINE AND COSTS LEVIED  
5 AGAINST A PERSON THOSE ADDITIONAL COSTS INCURRED IN COMPELLING  
6 THE APPEARANCE OF THAT PERSON. A COURT SHALL DEPOSIT THE PRO-  
7 CEEDS OF ADDITIONAL COSTS IMPOSED UNDER THIS SUBSECTION INTO THE  
8 GENERAL FUND OF THE GOVERNMENTAL ENTITY ACTING AS PLAINTIFF.

9 SEC. 195B. A PERSON WHO FAILS TO ANSWER A CITATION OR  
10 NOTICE TO APPEAR IN COURT FOR EITHER A MARINE LAW VIOLATION OR A  
11 JUDICIAL PROCEEDING PENDING UNDER THIS ACT, OR A PERSON WHO FAILS  
12 TO COMPLY WITH AN ORDER OR JUDGMENT ISSUED PURSUANT TO SECTION  
13 195, IS GUILTY OF A MISDEMEANOR.

14 SEC. 195C. (1) IF A PERSON DEFAULTS IN THE PAYMENT OF A  
15 CIVIL FINE, COSTS, OR BOTH, OR OF ANY INSTALLMENT AS ORDERED PUR-  
16 SUANT TO SECTION 195, THE COURT MAY REQUIRE THAT PERSON TO SHOW  
17 CAUSE WHY THE DEFAULT SHOULD NOT BE TREATED AS CIVIL CONTEMPT AND  
18 MAY ISSUE EITHER OF THE FOLLOWING:

19 (A) A SUMMONS OR AN ORDER FOR THAT PERSON TO SHOW CAUSE.

20 (B) A BENCH WARRANT OF ARREST FOR THAT PERSON'S APPEARANCE.

21 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A  
22 CIVIL FINE OR COSTS, THE PERSON AUTHORIZED BY THAT CORPORATION OR  
23 ASSOCIATION TO MAKE DISBURSEMENT SHALL PAY THE FINE OR COSTS, AND  
24 THAT PERSON'S FAILURE TO TENDER PAYMENT IS CIVIL CONTEMPT UNLESS  
25 HE OR SHE MAKES THE SHOWING REQUIRED IN THIS SECTION.

26 (3) UNLESS A PERSON DEMONSTRATES TO A COURT'S SATISFACTION  
27 THAT THE DEFAULT WAS NOT ATTRIBUTABLE TO AN INTENTIONAL REFUSAL



1 TO OBEY THE ORDER OF THE COURT OR TO THAT PERSON'S FAILURE TO  
2 MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAY-  
3 MENT, THE COURT SHALL FIND THAT THE DEFAULT CONSTITUTES A CIVIL  
4 CONTEMPT AND MAY ORDER THAT PERSON IMPRISONED UNTIL THE CIVIL  
5 FINE, COSTS, OR BOTH, OR A SPECIFIED PART IS PAID.

6 (4) IF A COURT DETERMINES THAT A DEFAULT IN THE PAYMENT OF A  
7 CIVIL FINE OR COSTS DOES NOT CONSTITUTE CIVIL CONTEMPT, THE COURT  
8 MAY ENTER AN ORDER THAT DOES ANY OF THE FOLLOWING:

9 (A) ALLOWS A PERSON ADDITIONAL TIME TO TENDER PAYMENT.

10 (B) REDUCES THE AMOUNT OF PAYMENT OR OF EACH INSTALLMENT.

11 (C) REVOKES THE FINE OR COSTS OR THE UNPAID PORTION IN WHOLE  
12 OR IN PART.

13 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-  
14 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF  
15 IMPRISONMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$10.00 OF THE  
16 FINE AND COSTS. A PERSON IMPRISONED FOR NONPAYMENT OF A CIVIL  
17 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY  
18 OF IMPRISONMENT AT THE RATE OF \$10.00 PER DAY.

19 (6) A PERSON IMPRISONED FOR CIVIL CONTEMPT FOR NONPAYMENT OF  
20 A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED FROM CUSTODY UNTIL  
21 1 OF THE FOLLOWING OCCURS:

22 (A) THAT PERSON HAS BEEN CREDITED WITH THE AMOUNT DUE PURSU-  
23 ANT TO SUBSECTION (5).

24 (B) THE AMOUNT DUE HAS ACTUALLY BEEN COLLECTED THROUGH EXE-  
25 CUTION OF PROCESS OR OTHERWISE.

26 (C) THE AMOUNT DUE HAS BEEN SATISFIED PURSUANT TO A  
27 COMBINATION OF SUBDIVISIONS (A) AND (B).

1 (7) THE CIVIL CONTEMPT SHALL BE PURGED UPON DISCHARGE OF THE  
2 DEFENDANT PURSUANT TO SUBSECTION (6).

3 SEC. 195D. (1) A CIVIL FINE THAT IS ORDERED UNDER SECTION  
4 195 FOR A VIOLATION OF THIS ACT, A RULE PROMULGATED UNDER THIS  
5 ACT, OR A LOCAL ORDINANCE ESTABLISHED IN SUBSTANTIAL CONFORMITY  
6 WITH THIS ACT IS EXCLUSIVELY APPLICABLE TO THE SUPPORT OF PUBLIC  
7 LIBRARIES AND COUNTY LAW LIBRARIES IN THE SAME MANNER AS IS PRO-  
8 VIDED BY LAW FOR PENAL FINES ASSESSED AND COLLECTED FOR VIOLATION  
9 OF A PENAL LAW OF THE STATE.

10 (2) SUBSECTION (1) IS INTENDED TO MAINTAIN A SOURCE OF REVE-  
11 NUE FOR PUBLIC LIBRARIES THAT PREVIOUSLY RECEIVED PENAL FINES FOR  
12 THOSE MISDEMEANOR VIOLATIONS OF THIS ACT THAT ARE NOW CIVIL  
13 INFRACTIONS.

14 Section 2. This amendatory act shall not take effect unless  
15 all of the following bills of the 87th Legislature are enacted  
16 into law:

17 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4641 (request  
18 no. 03506'93).

19 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4640 (request  
20 no. 03506'93 a).