



SENATE BILL No. 683

June 8, 1993, Introduced by Senators DI NELLO, HART, O'BRIEN, PRIDNIA and DUNASKISS and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to amend sections 31, 161, 164, and 166 of Act No. 303 of the Public Acts of 1967, entitled as amended "Marine safety act," section 31 as amended by Act No. 133 of the Public Acts of 1989, section 161 as amended by Act No. 301 of the Public Acts of 1992, and section 164 as amended by Act No. 494 of the Public Acts of 1988, being sections 281.1031, 281.1161, 281.1164, and 281.1166 of the Michigan Compiled Laws; and to add section 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 31, 161, 164, and 166 of Act No. 303 of
2 the Public Acts of 1967, section 31 as amended by Act No. 133 of
3 the Public Acts of 1989, section 161 as amended by Act No. 301 of
4 the Public Acts of 1992, and section 164 as amended by Act
5 No. 494 of the Public Acts of 1988, being sections 281.1031,

1 281.1161, 281.1164, and 281.1166 of the Michigan Compiled Laws,
2 are amended and section 10a is added to read as follows:

3 SEC. 10A. A PERSON OPERATING A VESSEL ON THE WATERS OF THIS
4 STATE SHALL COMPLY WITH THE FEDERAL INLAND NAVIGATIONAL RULES ACT
5 OF 1980, PUBLIC LAW 96-591, 33 U.S.C. 2001 TO 2071.

6 Sec. 31. (1) Except as otherwise provided in this act, a
7 person shall not operate or give permission for the operation of
8 a vessel of any length on the waters of this state unless the
9 fees prescribed in section 33 for the vessel are paid, the cer-
10 tificate of number assigned to the vessel is on board and is in
11 full force and effect, and, EXCEPT FOR THE FOLLOWING, the identi-
12 fying number and decal are displayed on each side of the forward
13 half of the vessel in accordance with this act and the rules
14 promulgated by the commission: ~~— However, —~~

15 (A) A DECAL AND IDENTIFYING NUMBERS FOR A WOODEN HULL AND
16 HISTORIC VESSEL AS THAT TERM IS DEFINED IN SECTION 33 MAY BE DIS-
17 PLAYED IN THE MANNER DESCRIBED IN SECTION 36(2).

18 (B) A DECAL for an inflatable boat ~~the decal~~ may be dis-
19 played on the transom of the boat.

20 (2) ~~When~~ IF a vessel is actually numbered in another state
21 of principal use in accordance with a federally approved number-
22 ing system, it ~~shall be considered to be~~ IS in compliance with
23 the numbering requirements of this state while it is temporarily
24 being used in this state. This subsection applies to a vessel
25 for which a valid temporary certificate is issued to ~~its~~ THE
26 VESSEL'S owner by the issuing authority of the state in which the
27 vessel is principally used.

1 (3) ~~When~~ IF a vessel is removed to this state as the new
2 state of principal use, a number awarded by any other issuing
3 authority ~~shall be recognized as~~ IS valid for not more than 60
4 days before numbering is required by this state.

5 Sec. 161. (1) ~~The operator or person in charge of a vessel~~
6 ~~being used or operated on the waters of this state, upon being~~
7 ~~hailed by any peace officer empowered to enforce the provisions~~
8 ~~of this act or the provisions of a local ordinance or rules~~
9 ~~established under this act, shall immediately bring the vessel to~~
10 ~~a stop or maneuver it in a manner that permits the officer to~~
11 ~~come alongside. The operator or person in charge of the vessel~~
12 ~~and any other person on board shall give his or her correct name~~
13 ~~and address, exhibit the certificate of number awarded for the~~
14 ~~vessel, and submit to a reasonable inspection of the vessel and~~
15 ~~to a reasonable inspection and test of the equipment of the~~
16 ~~vessel. A person who is detained for a violation of this act or~~
17 ~~of a local ordinance substantially corresponding to a provision~~
18 ~~of this act and who furnishes a peace officer false, forged, fic-~~
19 ~~titious, or misleading verbal or written information identifying~~
20 ~~the person as another person is guilty of a misdemeanor. UPON~~
21 THE DIRECTION OF A PEACE OFFICER, THE OPERATOR OF A VESSEL MOVING
22 ON THE WATERS OF THIS STATE SHALL IMMEDIATELY BRING THE VESSEL TO
23 A STOP OR MANEUVER IT IN A MANNER THAT PERMITS THE PEACE OFFICER
24 TO COME BESIDE THE VESSEL. THE OPERATOR OF THE VESSEL AND ANY
25 PERSON ON THE VESSEL SHALL DO THE FOLLOWING UPON THE REQUEST OF
26 THE PEACE OFFICER:

1 (A) PROVIDE HIS OR HER CORRECT NAME AND ADDRESS.

2 (B) EXHIBIT THE CERTIFICATE OF NUMBER AWARDED FOR THE
3 VESSEL.

4 (C) IF THE VESSEL DOES NOT BEAR A DECAL DESCRIBED IN
5 SUBSECTION (3), SUBMIT TO A REASONABLE INSPECTION OF THE VESSEL
6 AND TO A REASONABLE INSPECTION AND TEST OF THE EQUIPMENT OF THE
7 VESSEL.

8 (2) ~~A peace officer who observes a violation by a person of~~
9 ~~this act or of a local ordinance or rule established under this~~
10 ~~act may arrest the person without a warrant.~~ EACH POLICE CHIEF,
11 INCLUDING THE CHIEFS OF THE STATE POLICE AND LAW ENFORCEMENT
12 DIVISION OF THE DEPARTMENT, AND EACH SHERIFF SHALL ISSUE A BOOK
13 CONTAINING BOTH OF THE FOLLOWING TO EACH PEACE OFFICER IN HIS OR
14 HER DEPARTMENT WHOSE DUTIES MAY INCLUDE ENFORCEMENT OF MARINE
15 LAW:

16 (A) ADHESIVE COPIES OF A UNIFORM MARINE SAFETY INSPECTION
17 DECAL DESCRIBED IN SUBSECTION (3).

18 (B) RECEIPTS FOR EACH UNIFORM INSPECTION DECAL COPY.

19 (3) THE DEPARTMENT SHALL CREATE AND EACH CALENDAR YEAR MAKE
20 AVAILABLE TO PERSONS DESCRIBED IN SUBSECTION (2) ADHESIVE COPIES
21 OF A UNIFORM MARINE SAFETY INSPECTION DECAL THAT IS EACH OF THE
22 FOLLOWING:

23 (A) EFFECTIVE FOR 1 CALENDAR YEAR.

24 (B) OF A DISTINCT COLOR THAT IS CHANGED EACH CALENDAR YEAR.

25 (C) ATTACHABLE TO A VESSEL AND BEARING LANGUAGE THAT SUB-
26 STANTIALY COMPLIES WITH THE FOLLOWING: "THIS VESSEL HAS BEEN

1 INSPECTED BY _____ ON _____ AND IS IN COMPLIANCE WITH THE
2 MARINE SAFETY ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967."

3 (4) A PEACE OFFICER WHO CONDUCTS AN INSPECTION OF A VESSEL
4 AUTHORIZED UNDER THIS SECTION SHALL INCLUDE IN THAT INSPECTION A
5 REASONABLE EXAMINATION AND TEST OF THE EQUIPMENT ON THAT VESSEL.
6 IF THE PEACE OFFICER DOES NOT FIND A VIOLATION OF A MARINE LAW,
7 HE OR SHE SHALL AFFIX TO THE VESSEL AN ADHESIVE COPY OF THE UNI-
8 FORM MARINE SAFETY INSPECTION DECAL DESCRIBED IN SUBSECTION (3)
9 AND SHALL COMPLETE A RECEIPT FOR THAT DECAL.

10 (5) A COMPLETED RECEIPT FOR A DECAL SHALL INCLUDE ALL OF THE
11 FOLLOWING:

12 (A) THE NAME OF THE PEACE OFFICER.

13 (B) THE TIME, DATE, AND PLACE OF THE INSPECTION.

14 (C) THE VESSEL'S IDENTIFYING NUMBER.

15 (6) A PEACE OFFICER SHALL DELIVER TO HIS OR HER POLICE CHIEF
16 OR PERSON DESIGNATED BY THAT POLICE CHIEF A RECEIPT FOR A DECAL
17 WITHIN 48 HOURS OF AFFIXING THE DECAL TO A VESSEL. THE POLICE
18 CHIEF OR PERSON DESIGNATED BY THE POLICE CHIEF SHALL MAINTAIN
19 RECEIPTS RECEIVED UNDER THIS SECTION FOR A PERIOD OF 1 YEAR.

20 (7) EXCEPT FOR INSPECTION OF A VESSEL TO DETERMINE THE
21 NUMBER AND ADEQUACY OF PERSONAL FLOTATION DEVICES ON THAT VESSEL,
22 A PEACE OFFICER SHALL NOT STOP AND INSPECT A VESSEL BEARING THE
23 DECAL DESCRIBED IN THIS SECTION DURING THE PERIOD THE DECAL
24 REMAINS IN EFFECT UNLESS THAT PEACE OFFICER HAS PROBABLE CAUSE TO
25 BELIEVE THE VESSEL OR THE VESSEL'S OPERATOR IS IN VIOLATION OF A
26 MARINE LAW.

1 (8) A PERSON WHO IS DETAINED FOR A VIOLATION OF THIS ACT OR
2 OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION
3 OF THIS ACT AND WHO FURNISHES A PEACE OFFICER FALSE, FORGED, FIC-
4 TITIOUS, OR MISLEADING VERBAL OR WRITTEN INFORMATION IDENTIFYING
5 THE PERSON AS ANOTHER PERSON IS GUILTY OF A MISDEMEANOR.

6 (9) A PEACE OFFICER WHO OBSERVES A MARINE LAW VIOLATION MAY
7 IMMEDIATELY ARREST THE PERSON WITHOUT A WARRANT, OR ISSUE TO THE
8 PERSON A WRITTEN OR VERBAL WARNING.

9 Sec. 164. (1) ~~When~~ UPON THE DEMAND OF a person WHO IS not
10 a resident of this state AND WHO is arrested without a warrant
11 for ~~any~~ A violation of this act under conditions THAT ARE not
12 ~~referred to under~~ DESCRIBED IN section 162, the officer making
13 the arrest ~~, upon demand of the arrested person,~~ shall
14 ~~forthwith~~ IMMEDIATELY take the person before a magistrate or a
15 district court judge in the vicinity to answer to the complaint
16 made against him or her. If a magistrate or a district court
17 judge is not available or an immediate trial cannot be ~~had~~
18 HELD, the person arrested may recognize to ~~such~~ THE officer for
19 his or her appearance by leaving with ~~him or her~~ THAT OFFICER a
20 sum of money OF not ~~to exceed \$25.00~~ MORE THAN \$50.00.

21 (2) ~~In all cases~~ UPON RECEIVING MONEY PURSUANT TO SUBSEC-
22 TION (1), the officer making the arrest shall give TO THE
23 ARRESTED PERSON a receipt ~~to the person arrested for the money~~
24 ~~so deposited with him or her together with~~ FOR THAT MONEY AND a
25 written ~~summons~~ NOTICE TO APPEAR as provided in section 163.

26 (3) If the ~~offender~~ ARRESTED PERSON DESCRIBED IN
27 SUBSECTION (1) fails to appear IN COURT as required BY THE NOTICE

1 TO APPEAR, HE OR SHE FORFEITS the deposit ~~shall be forfeited~~ as
2 in other cases of default in bail, in addition to any other pen-
3 alty provided in this act.

4 (4) ~~Every officer taking a deposit under this section~~
5 ~~within~~ WITHIN 48 hours ~~thereafter~~ AFTER RECEIVING MONEY PURSU-
6 ANT TO SUBSECTION (1), AN OFFICER shall deposit ~~it~~ THE MONEY
7 with the magistrate or the district court judge named in the
8 notice to appear, together with a report stating the facts relat-
9 ing to the arrest. Failure to make the report and deposit the
10 money is embezzlement of public money.

11 Sec. 166. (1) ~~Unless~~ EXCEPT AS otherwise ~~specified~~
12 ~~under~~ PROVIDED IN this act, a violation of ~~any of the provi-~~
13 ~~sions of~~ this act or ~~rules~~ A RULE established in conformity
14 with it ~~,~~ is a misdemeanor. A political subdivision ~~having~~
15 ~~adopted any~~ THAT ENACTS A local ordinance in conformity with
16 this act may provide that ~~any~~ A violation ~~thereof~~ OF THAT
17 ORDINANCE is a misdemeanor. ~~Any~~

18 (2) IN ADDITION TO IMPOSING ANY OTHER PENALTY AUTHORIZED
19 UNDER THIS ACT, A COURT MAY ISSUE AN ORDER PROHIBITING A person
20 convicted of reckless operation of a vessel as defined in section
21 74 ~~, or of operating a vessel while under the influence of~~
22 ~~intoxicating liquor or narcotic drugs, in addition to any other~~
23 ~~penalty, may be refused by the court having jurisdiction of the~~
24 ~~violation, the right of~~ FROM operating any vessel on any of the
25 waters of this state for a period of not more than 2 years.

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

4 (a) Senate Bill No. 684.

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6 (b) Senate Bill No. 685.

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8 (c) Senate Bill No. 686.

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10 (d) Senate Bill No. 687.

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