



SENATE BILL No. 686

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

A bill to amend sections 2, 4, 6, 8, and 23 of Act No. 303 of the Public Acts of 1967, entitled as amended "Marine safety act,"

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 4, 6, 8, and 23 of Act No. 303 of
2 the Public Acts of 1967, section 2 as amended by Act No. 56 of
3 the Public Acts of 1988 and section 8 as amended by Act No. 183
4 of the Public Acts of 1990, being sections 281.1002, 281.1004,
5 281.1006, 281.1008, and 281.1023 of the Michigan Compiled Laws,
6 are amended to read as follows:

1 Sec. 2. As used in this act:

2 ~~(a) "Waters of this state" means any waters within the ter-~~
3 ~~ritorial limits of this state, and includes those waters of the~~
4 ~~Great Lakes which are under the jurisdiction of this state.~~

5 ~~(b) "Commission" means the commission of natural resources.~~

6 ~~(c) "Council" means the marine safety advisory council cre-~~
7 ~~ated in section 11.~~

8 ~~(d) "Dealer" means a person who annually purchases from a~~
9 ~~manufacturer, or is engaged in selling or manufacturing, 6 or~~
10 ~~more vessels that require certificates of number under this act,~~
11 ~~and includes the authorized representative of the dealer.~~

12 ~~(e) "Department" means the department of natural resources.~~

13 ~~(f) "Director" means the director of the department of natu-~~
14 ~~ral resources.~~

15 ~~(g) "Political subdivision" means any county, metropolitan~~
16 ~~authority, city, village, township, or combination thereof in~~
17 ~~this state. Whenever a body of water is located in more than 1~~
18 ~~political subdivision, all of the subdivisions shall act individ-~~
19 ~~ually in order to comply with the provisions of this act, except~~
20 ~~if the problem is confined to a specific area of the body of~~
21 ~~water only the political subdivision in which the problem waters~~
22 ~~lie shall act.~~

23 ~~(h) "State of principal use" means the state on whose waters~~
24 ~~a vessel is used or is to be used most during a calendar year.~~

25 ~~(i) "Issuing authority" means a state that has a numbering~~
26 ~~system approved by the United States coast guard, or the United~~
27 ~~States coast guard if a numbering system is not approved.~~

1 (A) "ANCHORED RAFTS" MEANS ALL TYPES OF NONPOWERED RAFTS
2 USED FOR RECREATIONAL PURPOSES THAT ARE ANCHORED SEASONALLY ON
3 WATERS OF THIS STATE.

4 (B) "ASSOCIATED EQUIPMENT" MEANS ANY OF THE FOLLOWING THAT
5 ARE NOT RADIO EQUIPMENT:

6 (i) AN ORIGINAL SYSTEM, PART, OR COMPONENT OF A BOAT AT THE
7 TIME THAT BOAT WAS MANUFACTURED, OR A SIMILAR PART OR COMPONENT
8 MANUFACTURED OR SOLD FOR REPLACEMENT.

9 (ii) REPAIR OR IMPROVEMENT OF AN ORIGINAL OR REPLACEMENT
10 SYSTEM, PART, OR COMPONENT.

11 (iii) AN ACCESSORY OR EQUIPMENT FOR, OR APPURTENANCE TO, A
12 BOAT.

13 (iv) A MARINE SAFETY ARTICLE, ACCESSORY, OR EQUIPMENT
14 INTENDED FOR USE BY A PERSON ON BOARD A BOAT.

15 (C) "BOAT" MEANS A VESSEL.

16 (D) "BOAT LIVERY" MEANS A BUSINESS THAT HOLDS A VESSEL FOR
17 RENTING, LEASING, OR CHARTERING.

18 (E) "COMMISSION" MEANS THE COMMISSION OF NATURAL RESOURCES.

19 (F) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
20 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
21 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
22 LAWS.

23 (G) "CONVICTION" MEANS A FINAL CONVICTION, THE PAYMENT OF A
24 FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
25 COURT, A FINDING OF GUILT, OR A PROBATE COURT DISPOSITION ON A
26 VIOLATION OF THIS ACT, REGARDLESS OF WHETHER THE PENALTY IS
27 REBATED OR SUSPENDED.

1 (H) "COUNCIL" MEANS THE MARINE SAFETY EDUCATION ADVISORY
2 COUNCIL CREATED UNDER SECTION 11B.

3 Sec. 4. As used in this act:

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

7 ~~(b) "State aid" means payment made by the state to a county~~
8 ~~for the conduct of a marine safety program.~~

9 ~~(c) "Authorized expenditures" means those expenditures~~
10 ~~determined by the director to be reasonable and necessary for the~~
11 ~~adequate and proper conduct of a marine safety program. The~~
12 ~~director shall prepare and maintain a schedule of such authorized~~
13 ~~expenditures and amend the same from time to time.~~

14 (A) "DEALER" MEANS A PERSON AND AN AUTHORIZED REPRESENTATIVE
15 OF THAT PERSON WHO ANNUALLY PURCHASES FROM A MANUFACTURER, OR WHO
16 IS ENGAGED IN SELLING OR MANUFACTURING, 6 OR MORE VESSELS THAT
17 REQUIRE CERTIFICATES OF NUMBER UNDER THIS ACT.

18 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

19 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF NATU-
20 RAL RESOURCES.

21 (D) "ISSUING AUTHORITY" MEANS THE UNITED STATES COAST GUARD
22 OR A STATE THAT HAS A NUMBERING SYSTEM APPROVED BY THE UNITED
23 STATES COAST GUARD.

24 (E) "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE ENACTED
25 BY ANOTHER STATE OR BY A LOCAL UNIT OF GOVERNMENT IN ANOTHER
26 STATE.

1 (F) "LIFEBOAT" MEANS A SMALL BOAT DESIGNATED AND USED SOLELY
2 FOR LIFESAVING PURPOSES, AND DOES NOT INCLUDE A DINGHY, TENDER,
3 SPEEDBOAT, OR OTHER TYPE OF CRAFT THAT IS NOT CARRIED ABOARD A
4 VESSEL FOR LIFESAVING PURPOSES.

5 (G) "LONG-TERM INCAPACITATING INJURY" MEANS AN INJURY THAT
6 CAUSES A PERSON TO BE IN A COMATOSE, QUADRIPLEGIC, HEMIPLEGIC, OR
7 PARAPLEGIC STATE, WHICH STATE IS LIKELY TO CONTINUE FOR 1 YEAR OR
8 MORE.

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 by machinery,~~
17 ~~whether or not machinery is the principal source of propulsion.~~

18 ~~(d) "Lifeboat" means a small boat designated and used solely~~
19 ~~for lifesaving purposes, and does not include dinghies, tenders,~~
20 ~~speedboats, or other types of craft carried aboard vessels and~~
21 ~~used for other than lifesaving purposes.~~

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

1 ~~(f) "Owner" means a person who claims lawful possession of a~~
2 ~~vessel by virtue of legal title or equitable interest therein~~
3 ~~which entitles him to the possession.~~

4 ~~(g) "Boat" means a vessel which is manufactured or used pri-~~
5 ~~marily for noncommercial use; leased, rented, or chartered to~~
6 ~~another for the latter's noncommercial use; or engaged in the~~
7 ~~carrying of not more than 6 passengers.~~

8 ~~(h) "Associated equipment" means a system, part, or compo-~~
9 ~~nent of a boat as originally manufactured, or a similar part or~~
10 ~~component manufactured or sold for replacement, repair or~~
11 ~~improvement of the system, part, or component; an accessory or~~
12 ~~equipment for, or appurtenance to, a boat; or a marine safety~~
13 ~~article, accessory, or equipment intended for use by a person on~~
14 ~~board a boat. It does not include radio equipment.~~

15 ~~(i) "Operator" means the person who is in control or in~~
16 ~~charge of a vessel while it is in use.~~

17 ~~(j) "Passenger" means a person carried on board a vessel~~
18 ~~other than the owner or his representative; the operator; bona~~
19 ~~fide members of the crew engaged in the business of the vessel~~
20 ~~who have not contributed consideration for their carriage and who~~
21 ~~are paid for their services; or a guest on board a vessel which~~
22 ~~is being used exclusively for pleasure purposes who has not con-~~
23 ~~tributed consideration, directly or indirectly, for his~~
24 ~~carriage.~~

25 ~~(k) "Undocumented vessel" means a vessel which does not~~
26 ~~have, and is not required to have, a valid marine document issued~~

1 ~~by the United States coast guard or federal agency successor~~
2 ~~thereto.~~

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

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

6 ~~(n) "Manufacturer" means a person engaged in the manufac-~~
7 ~~ture, construction, or assembly of boats or associated equipment;~~
8 ~~the manufacture or construction of components for boats and asse-~~
9 ~~ciated equipment to be sold for subsequent assembly; or the~~
10 ~~importation of a boat or associated equipment into the state for~~
11 ~~sale.~~

12 (A) "MANUFACTURER" MEANS A PERSON ENGAGED IN ANY OF THE
13 FOLLOWING:

14 (i) THE MANUFACTURE, CONSTRUCTION, OR ASSEMBLY OF BOATS OR
15 ASSOCIATED EQUIPMENT.

16 (ii) THE MANUFACTURE OR CONSTRUCTION OF COMPONENTS FOR BOATS
17 AND ASSOCIATED EQUIPMENT TO BE SOLD FOR SUBSEQUENT ASSEMBLY.

18 (iii) THE IMPORTATION OF A BOAT OR ASSOCIATED EQUIPMENT INTO
19 THE STATE FOR SALE.

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

22 (C) "MARINE SAFETY PROGRAM" MEANS MARINE LAW ENFORCEMENT,
23 SEARCH AND RESCUE OPERATIONS, WATER SAFETY EDUCATION, RECOVERY OF
24 DROWNED BODIES AND BOAT LIVERY INSPECTIONS.

25 (D) "MICHIGAN VEHICLE CODE" MEANS ACT NO. 300 OF THE PUBLIC
26 ACTS OF 1949, BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN
27 COMPILED LAWS.

1 (E) "MOTORBOAT" MEANS A VESSEL PROPELLED WHOLLY OR IN PART
2 BY MACHINERY.

3 (F) "OPERATE" MEANS TO BE IN CONTROL OF A VESSEL WHILE THE
4 VESSEL IS UNDERWAY AND IS NOT SECURED IN SOME MANNER SUCH AS
5 BEING DOCKED OR AT ANCHOR.

6 (G) "OPERATOR" MEANS THE PERSON WHO IS IN CONTROL OR IN
7 CHARGE OF A VESSEL WHILE THAT VESSEL IS UNDERWAY.

8 (H) "OWNER" MEANS A PERSON WHO CLAIMS OR IS ENTITLED TO
9 LAWFUL POSSESSION OF A VESSEL BY VIRTUE OF THAT PERSON'S LEGAL
10 TITLE OR EQUITABLE INTEREST IN A VESSEL.

11 Sec. 8. As used in this act:

12 ~~(a) "Operate" means to navigate or otherwise use a vessel.~~

13 ~~(b) "Slow no wake speed" means a very slow speed whereby~~
14 ~~the wake or wash created by the vessel would be minimal.~~

15 ~~(c) "High speed boating" means a speed at or above which a~~
16 ~~motorboat reaches a planning condition.~~

17 ~~(d) "Regatta", "boat race", "marine parade", "tournament",~~
18 ~~or "exhibition" each mean an organized water event of limited~~
19 ~~duration which is conducted according to a prearranged schedule.~~

20 ~~(e) "Anchored rafts" means all types of nonpowered rafts~~
21 ~~used for recreational purposes which are anchored seasonally on~~
22 ~~waters of this state.~~

23 ~~(f) "Starboard" means right and reference is to the star-~~
24 ~~board side of a vessel or to the right side of the vessel.~~

25 ~~(g) "Personal watercraft" means a vessel that meets all of~~
26 ~~the following requirements:~~

1 ~~(i) Uses a motor-driven propeller or an internal combustion~~
2 ~~engine powering a water jet pump as its primary source of~~
3 ~~propulsion.~~

4 ~~(ii) Is designed without an open load carrying area that~~
5 ~~would retain water.~~

6 ~~(iii) Is designed to be operated by 1 or more persons posi-~~
7 ~~tioned on, rather than within, the confines of the hull.~~

8 ~~(h) "Port" means left and reference is to the port side of a~~
9 ~~vessel or to the left side of the vessel.~~

10 (A) "PASSENGER" MEANS A PERSON CARRIED ON BOARD A VESSEL
11 OTHER THAN ANY OF THE FOLLOWING:

12 (i) THE OWNER OR HIS OR HER REPRESENTATIVE.

13 (ii) THE OPERATOR.

14 (B) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 2
15 OF THE CHARTER AND LIVERY BOAT SAFETY ACT, ACT NO. 244 OF THE
16 PUBLIC ACTS OF 1986, BEING SECTION 281.572 OF THE MICHIGAN
17 COMPILED LAWS.

18 (C) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, FIRM, CORPO-
19 RATION, COMPANY, ASSOCIATION, OR GOVERNMENTAL ENTITY, AND
20 INCLUDES A TRUSTEE, RECEIVER, ASSIGNEE OR SIMILAR REPRESENTATIVE
21 OF ANY OF THEM.

22 (D) "PERSONAL WATERCRAFT" MEANS A VESSEL THAT MEETS ALL OF
23 THE FOLLOWING REQUIREMENTS:

24 (i) USES A MOTOR-DRIVEN PROPELLER OR AN INTERNAL COMBUSTION
25 ENGINE POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF
26 PROPULSION.

1 (ii) IS DESIGNED WITHOUT AN OPEN LOAD CARRYING AREA THAT
2 WOULD RETAIN WATER.

3 (iii) IS DESIGNED TO BE OPERATED BY 1 OR MORE PERSONS POSI-
4 TIONED ON, RATHER THAN WITHIN, THE CONFINES OF THE HULL.

5 (E) "POLITICAL SUBDIVISION" MEANS ANY COUNTY, METROPOLITAN
6 AUTHORITY, CITY, VILLAGE, TOWNSHIP, OR COMBINATION THEREOF IN
7 THIS STATE. WHENEVER A BODY OF WATER IS LOCATED IN MORE THAN 1
8 POLITICAL SUBDIVISION, ALL OF THE SUBDIVISIONS SHALL ACT INDIVID-
9 UALLY IN ORDER TO COMPLY WITH THE PROVISIONS OF THIS ACT, EXCEPT
10 IF THE PROBLEM IS CONFINED TO A SPECIFIC AREA OF THE BODY OF
11 WATER ONLY THE POLITICAL SUBDIVISION IN WHICH THE PROBLEM WATERS
12 LIE SHALL ACT.

13 (F) "PORT" MEANS LEFT AND REFERENCE IS TO THE PORT SIDE OF A
14 VESSEL OR TO THE LEFT SIDE OF THE VESSEL.

15 (G) "PROBATE COURT DISPOSITION" MEANS THE ENTRY OF A PROBATE
16 COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN THE
17 PROVISIONS OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF
18 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN COMPILED
19 LAWS.

20 (H) "PROSECUTING ATTORNEY", EXCEPT AS THE CONTEXT OTHERWISE
21 REQUIRES, MEANS THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY OF
22 A COUNTY, OR THE ATTORNEY REPRESENTING A LOCAL UNIT OF
23 GOVERNMENT.

24 (I) "REGATTA", "BOAT RACE", "MARINE PARADE", "TOURNAMENT",
25 OR "EXHIBITION" MEANS AN ORGANIZED WATER EVENT OF LIMITED DURA-
26 TION WHICH IS CONDUCTED ACCORDING TO A PREARRANGED SCHEDULE.

1 (J) "SLOW--NO WAKE SPEED" MEANS A VERY SLOW SPEED WHEREBY
2 THE WAKE OR WASH CREATED BY THE VESSEL WOULD BE MINIMAL.

3 (K) "STARBOARD" MEANS RIGHT AND REFERENCE IS TO THE STAR-
4 BOARD SIDE OF A VESSEL OR TO THE RIGHT SIDE OF THE VESSEL.

5 (L) "STATE AID" MEANS PAYMENT MADE BY THE STATE TO A COUNTY
6 FOR THE CONDUCT OF A MARINE SAFETY PROGRAM.

7 (M) "UNDOCUMENTED VESSEL" MEANS A VESSEL WHICH DOES NOT
8 HAVE, AND IS NOT REQUIRED TO HAVE, A VALID MARINE DOCUMENT ISSUED
9 BY THE UNITED STATES COAST GUARD OR FEDERAL AGENCY SUCCESSOR
10 THERETO.

11 (N) "UNIFORM INSPECTION DECAL" MEANS AN ADHESIVE-BACKED
12 STICKER CREATED BY THE DEPARTMENT PURSUANT TO SECTION 161 THAT IS
13 COLOR CODED TO INDICATE THE YEAR THAT IT EXPIRES AND IS ATTACHED
14 TO A VESSEL IN THE MANNER PRESCRIBED FOR DECALS IN SECTION 31
15 WHEN A PEACE OFFICER INSPECTS AND DETERMINES THAT THE VESSEL COM-
16 PLIES WITH THIS ACT.

17 (O) "USE" MEANS OPERATE, NAVIGATE, OR EMPLOY.

18 (P) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT USED OR
19 CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER
20 INCLUDING, BUT NOT LIMITED TO, A SEAPLANE ON THE WATER.

21 (Q) "WATERS OF THIS STATE" MEANS ANY WATERS WITHIN THE TER-
22 RITORIAL LIMITS OF THIS STATE, AND INCLUDES THOSE WATERS OF THE
23 GREAT LAKES WHICH ARE UNDER THE JURISDICTION OF THIS STATE.

24 Sec. 23. (1) Each county of the state ~~shall be~~ IS enti-
25 tled to receive state aid as provided in this act. A county
26 board of commissioners desiring to conduct a marine safety
27 program shall submit to the department by December 31 of each

1 year an estimate of authorized expenditures for the following
2 calendar year, in the form and containing the information the
3 department requires. The department shall review the entire
4 request and may approve the county request for state aid. The
5 department shall annually survey the marine safety program of
6 each county to assist in determining the amount of state aid to
7 be allocated to a county for its marine safety program. In
8 making its annual determination of the amount of state aid to be
9 allocated to a county, the department shall develop and employ a
10 formula which shall include such factors as:

11 (a) The number of students to be trained in boating safety
12 in any United States coast guard auxiliary, United States power
13 squadron or department sponsored marine safety classes.

14 (b) The number of boat user days.

15 (c) The number of livery boats.

16 (d) Program effectiveness measured by comparing the existing
17 rate of compliance with current statutes to the acceptable rate
18 of compliance determined by the department.

19 (e) The number and type of boat access areas requiring a
20 county marine safety program.

21 (f) The water area of the county.

22 (2) A DETERMINATION OF THE AMOUNT OF STATE AID ALLOCATED TO
23 A COUNTY UNDER THIS ACT SHALL NOT BE BASED, WHOLLY OR IN PART,
24 UPON THE NUMBER OF VESSELS WITHIN THAT COUNTY THAT ARE STOPPED OR
25 INSPECTED UNDER SECTION 161.

26 (3) ~~-(2)-~~ State aid allocated to a county under this act
27 shall be used exclusively for the conduct of the county marine

1 safety program as provided by this act and rules promulgated
2 hereunder. Within 90 days after the close of each calendar year,
3 a county board of commissioners shall submit to the department a
4 statement of authorized expenditures actually incurred, in the
5 form and containing the information THAT the department
6 requires. ~~Statements~~ A COUNTY THAT PROVIDES THE DEPARTMENT
7 WITH STATEMENTS or supplements ~~thereto received~~ TO STATEMENTS
8 subsequent to the 90-day period ~~shall not be~~ IS NOT eligible
9 for state aid UNDER THIS ACT.

10 Section 2. Section 3 of Act No. 303 of the Public Acts of
11 1967, being section 281.1003 of the Michigan Compiled Laws, is
12 repealed.

13 Section 3. This amendatory act shall take effect April 1,
14 1994.

15 Section 4. This amendatory act shall not take effect unless
16 all of the following bills of the 87th Legislature are enacted
17 into law:

18 (a) Senate Bill No. 683.

19

20 (b) Senate Bill No. 684.

21

22 (c) Senate Bill No. 685.

23

24 (d) Senate Bill No. 687.

25