



HOUSE BILL No. 4507

March 2, 1995, Introduced by Rep. Gubow and referred to the Committee on Judiciary and Civil Rights.

A bill to amend the title and sections 2, 4, 6, 13, 17, 33, 35, 40, 71, 72, 72a, 75, 76, 77, 78, 79, 80, 101, 141, 161, 162, 163, 164, 165, 166, 175, 191, and 192 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

sections 2, 4, and 6 as amended by Act No. 271 of the Public Acts of 1993, sections 13 and 17 as amended by Act No. 36 of the Public Acts of 1986, sections 33 and 161 as amended by Act No. 268 of the Public Acts of 1993, section 35 as amended by Act No. 425 of the Public Acts of 1980, sections 40 and 175 as added by Act No. 301 of the Public Acts of 1992, section 78 as amended by Act No. 270 of the Public Acts of 1993, sections 101 and 165 as amended by Act No. 494 of the Public Acts of 1988, and sections 162, 163, and 164 as amended by Act No. 302 of the Public Acts of 1993, being sections 281.1002, 281.1004, 281.1006,

281.1013, 281.1017, 281.1033, 281.1035, 281.1040, 281.1071,
 281.1072, 281.1072a, 281.1075, 281.1076, 281.1077, 281.1078,
 281.1079, 281.1080, 281.1101, 281.1141, 281.1161, 281.1162,
 281.1163, 281.1164, 281.1165, 281.1166, 281.1175, 281.1191, and
 281.1192 of the Michigan Compiled Laws; to add sections 163a,
 187c, 193, 193a, 193b, 193c, 193d, 193e, 194, 194a, 194b, 194c,
 194d, 194e, 194f, 194g, 194h, 195, 195a, 195b, 195c, 195d, and
 195e; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 4, 6, 13, 17, 33, 35,
 2 40, 71, 72, 72a, 75, 76, 77, 78, 79, 80, 101, 141, 161, 162, 163,
 3 164, 165, 166, 175, 191, and 192 of Act No. 303 of the Public
 4 Acts of 1967, sections 2, 4, and 6 as amended by Act No. 271 of
 5 the Public Acts of 1993, sections 13 and 17 as amended by Act
 6 No. 36 of the Public Acts of 1986, sections 33 and 161 as amended
 7 by Act No. 268 of the Public Acts of 1993, section 35 as amended
 8 by Act No. 425 of the Public Acts of 1980, sections 40 and 175 as
 9 added by Act No. 301 of the Public Acts of 1992, section 78 as
 10 amended by Act No. 270 of the Public Acts of 1993, sections 101
 11 and 165 as amended by Act No. 494 of the Public Acts of 1988, and
 12 sections 162, 163, and 164 as amended by Act No. 302 of the
 13 Public Acts of 1993, being sections 281.1002, 281.1004, 281.1006,
 14 281.1013, 281.1017, 281.1033, 281.1035, 281.1040, 281.1071,
 15 281.1072, 281.1072a, 281.1075, 281.1076, 281.1077, 281.1078,
 16 281.1079, 281.1080, 281.1101, 281.1141, 281.1161, 281.1162,
 17 281.1163, 281.1164, 281.1165, 281.1166, 281.1175, 281.1191, and
 18 281.1192 of the Michigan Compiled Laws, are amended and sections

1 163a, 187c, 193, 193a, 193b, 193c, 193d, 193e, 194, 194a, 194b,
2 194c, 194d, 194e, 194f, 194g, 194h, 195, 195a, 195b, 195c, 195d,
3 and 195e are added to read as follows:

4 TITLE

5 An act to promote the safe use of the waters of this state;
6 to provide for the taxation and numbering of motorboats and ves-
7 sels; to provide for rules relative to the operation of vessels
8 and motorboats; the carrying of equipment on such waters and to
9 the use of waters of this state for boating; to promote unifor-
10 mity of laws relating thereto; to prescribe the duties and
11 responsibilities of owners and operators of vessels and motor-
12 boats; TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT; to prescribe
13 the powers and duties of certain state departments AND AGENCIES;
14 to provide for the disposition of revenue; and to ~~provide for~~
15 PRESCRIBE penalties AND PROVIDE REMEDIES.

16 Sec. 2. As used in this act:

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

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

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

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

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

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

5 (c) "Boat" means a vessel.

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

8 (E) "CIVIL INFRACTION DETERMINATION" MEANS A DETERMINATION
9 THAT A PERSON IS RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION BY
10 1 OF THE FOLLOWING:

11 (i) AN ADMISSION OF RESPONSIBILITY FOR THE MARINE LAW CIVIL
12 INFRACTION.

13 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE MARINE LAW CIVIL
14 INFRACTION, "WITH EXPLANATION".

15 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING
16 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 194E OR 194F.

17 (iv) A DEFAULT JUDGMENT, FOR FAILING TO APPEAR AS DIRECTED
18 BY A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
19 SECTION 194D(3)(B) OR (4), AT A SCHEDULED INFORMAL HEARING UNDER
20 SECTION 194E, OR AT A SCHEDULED FORMAL HEARING UNDER SECTION
21 194F.

22 (F) ~~(e)~~ "Commission" means the commission of natural
23 resources.

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

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

6 Sec. 4. As used in this act:

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

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

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

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

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

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

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

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

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

1 (F) "JUDICIAL DISTRICT" MEANS THAT TERM AS DEFINED IN
2 SECTION 1 OF CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, ACT
3 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 761.1 OF THE
4 MICHIGAN COMPILED LAWS.

5 (G) ~~-(f)-~~ "Law of another state" means a law or ordinance
6 enacted by another state or by a local unit of government in
7 another state.

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

12 (I) ~~-(h)-~~ "Long-term incapacitating injury" means an injury
13 that causes ~~serious impairment of a body function~~ A PERSON TO
14 BE IN A COMATOSE, QUADRIPLAGIC, HEMIPLEGIC, OR PARAPLEGIC STATE
15 WHICH IS LIKELY TO CONTINUE FOR 1 YEAR OR MORE.

16 Sec. 6. As used in this act:

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

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

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

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

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

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

6 (D) ~~(c)~~ "Marine safety program" means marine law enforce-
7 ment, search and rescue operations, water safety education,
8 recovery of drowned bodies, and boat livery inspections.

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

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

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

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

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

22 Sec. 13. (1) Except as provided in subsection (2), the
23 ~~commission~~ DEPARTMENT shall promulgate rules authorized by this
24 act pursuant to the administrative procedures act of 1969, Act
25 No. 306 of the Public Acts of 1969, ~~as amended,~~ being sections
26 24.201 to 24.328 of the Michigan Compiled Laws. The department
27 shall publish the approved rules in a convenient form.

1 (2) Subsection (1) ~~shall~~ DOES not apply to special local
2 rules adopted pursuant to sections 14 and 15.

3 Sec. 17. (1) State, county, and local peace officers shall
4 enforce local ordinances enacted in accordance with this act.

5 (2) All rules promulgated under this section and sections
6 12, 14, 15, and 16 before ~~the effective date of the 1985 amend-~~
7 ~~tory act that added this subsection~~ MARCH 17, 1986 shall remain
8 in effect unless rescinded pursuant to the administrative proce-
9 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
10 sections 24.201 to 24.328 of the Michigan Compiled Laws.

11 (3) ~~Local~~ A political ~~subdivisions~~ SUBDIVISION may enact
12 as an ordinance any or all of sections 2 to 8, 31 to 33, 36, 61,
13 62, 71 to 79, 101, 151, 152, ~~and~~ 161 to 168, AND 171.

14 Sec. 33. (1) Except as otherwise provided in this section,
15 the owner of a vessel required to be numbered and to display a
16 decal shall file an application for a certificate of number with
17 the secretary of state. The secretary of state shall prescribe
18 and furnish certificate of title application forms. If a vessel
19 requiring a certificate of title under Act No. 160 of the Public
20 Acts of 1976, being sections 281.1201 to 281.1223 of the Michigan
21 Compiled Laws, is sold by a dealer, that dealer shall combine the
22 application for a certificate of number that is signed by the
23 vessel owner with the application for a certificate of title.
24 The dealer shall obtain the certificate of number in the name of
25 the owner. The owner of the vessel shall sign the application.
26 A person shall not file an application for a certificate of
27 number that contains false information. A dealer who fails to

1 submit an application as required by this section is guilty of a
2 misdemeanor punishable by a fine of not more than \$100.00, or
3 imprisonment for not more than 90 days, 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 operate or permit the operation of a
21 vessel for which a 15-day temporary permit has been issued under
22 this section only if the temporary permit is valid and displayed
23 on the vessel as prescribed by rule promulgated by the
24 department.

25 (6) Except as otherwise provided in this section, an appli-
26 cant shall pay the following fee at the time of application:

1	(a) A 15-day temporary permit issued under	
2	subsection (3).....	\$ 10.00
3	(b) Nonpowered vessels, other than non-	
4	motorized canoes or kayaks, except as pro-	
5	vided in section 32.....	9.00
6	(c) Nonmotorized canoes or kayaks except	
7	as provided in section 32.....	5.00
8	(d) Motorboats less than 12 feet in	
9	length.....	14.00
10	(e) Motorboats 12 feet or over but less	
11	than 16 feet in length.....	17.00
12	(f) Motorboats 16 feet or over but less	
13	than 21 feet in length.....	42.00
14	(g) Motorboats 21 feet or over but less	
15	than 28 feet in length.....	115.00
16	(h) Motorboats 28 feet or over but less	
17	than 35 feet in length.....	168.00
18	(i) Motorboats 35 feet or over but less	
19	than 42 feet in length.....	244.00
20	(j) Motorboats 42 feet or over but less	
21	than 50 feet in length.....	280.00
22	(k) Motorboats 50 feet in length or over	448.00
23	(l) Pontoon vessels regardless of size..	23.00
24	(m) Motorized canoes regardless of size.	14.00
25	(n) Vessels licensed under the	
26	commercial fishing law of 1929, Act No. 84 of	

1 the Public Acts of 1929, being sections 308.1
 2 to 308.51 of the Michigan Compiled Laws..... 15.00

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

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

16 (8) Payment of the fee specified by this section exempts the
 17 vessel from the tax imposed by the general property tax act, Act
 18 No. 206 of the Public Acts of 1893, ~~as amended,~~ being sections
 19 211.1 to 211.157 of the Michigan Compiled Laws.

20 (9) Upon receipt of an initial application for a certificate
 21 of number in approved form and payment of the required fee, the
 22 secretary of state shall enter the information upon the official
 23 records and issue to the applicant a certificate of number con-
 24 taining the number awarded to the vessel, the name and address of
 25 the owner, and other information that the secretary of state
 26 determines necessary. The secretary of state shall issue a
 27 certificate of number that is pocket size and legible. Except as

1 provided in subsection (13), a person operating a vessel shall
2 present that vessel's certificate of number to a peace officer
3 upon the peace officer's request. A PERSON WHO FAILS TO PRESENT
4 A CERTIFICATE OF NUMBER UPON A PEACE OFFICER'S REQUEST PURSUANT
5 TO THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL INFRACTION.

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

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

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

22 (13) The owner or authorized agent of the owner of a vessel
23 less than 26 feet in length that is leased or rented to a person
24 for noncommercial use for not more than 24 hours may retain, at
25 the place from which the vessel departs or returns to the posses-
26 sion of the owner or the owner's representative, the certificate
27 of number for that vessel if a copy of the lease or rental

1 agreement is on the vessel. Upon the demand of a peace officer,
2 the operator shall produce for inspection either the certificate
3 of number or a copy of the lease or rental agreement for that
4 vessel. The lease or rental agreement shall contain each of the
5 following:

6 (a) The vessel number that appears on the certificate of
7 number.

8 (b) The period of time for which the vessel is leased or
9 rented.

10 (c) The signature of the vessel's owner or that person's
11 authorized agent.

12 (d) The signature of the person leasing or renting the
13 vessel.

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

1 nonpowered vessel 12 feet or less in length. AN OWNER OF A
2 VESSEL WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A MARINE
3 LAW CIVIL INFRACTION.

4 (15) Upon receipt of an application for a certificate of
5 number in an approved form, and payment of the fee required by
6 this act, the secretary of state shall issue a decal that is
7 color coded and dated to identify the year of its expiration, and
8 indicates that the vessel is numbered in compliance with this
9 act. The department shall promulgate a rule or rules to estab-
10 lish the manner in which the decal is to be displayed AND A
11 PERSON WHO VIOLATES THAT RULE OR THOSE RULES IS RESPONSIBLE FOR A
12 MARINE LAW CIVIL INFRACTION.

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

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

23 (18) The numbering system adopted pursuant to this act shall
24 be in accordance with the standard system of numbering estab-
25 lished by the secretary of the department in which the United
26 States coast guard operates.

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

7 (a) A fee of \$3.00 for a vessel that is not used for recrea-
8 tional, commercial, or rental purposes.

9 (b) The fee required under subsection (6) for a vessel that
10 is used for recreational, commercial, or rental purposes.

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

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

23 (22) Upon application to the secretary of state, the owner
24 of a nonmotorized canoe or kayak who registered that vessel under
25 this act between January 1, 1989 and April 17, 1990 shall receive
26 a refund of a portion of the registration fee equal to the

1 difference in the amount that owner paid and the fee amount
2 provided in subsection (6)(c).

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

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

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

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

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

24 Sec. 35. (1) The owner of a vessel shall notify the secre-
25 tary of state within 15 days if the vessel is destroyed, aban-
26 doned, or sold, ~~—~~ OR if an interest in the vessel is
27 transferred, either wholly or in part, to another person. ~~— or~~

1 ~~if the owner's address no longer conforms to the address~~
2 ~~appearing on the certificate of number.~~ The notice shall consist
3 of a surrender of the certificate of number ~~, on which~~ BEARING
4 the ~~proper~~ information ~~shall be noted on a place to be pro-~~
5 ~~vided on the certificate~~ REQUIRED UNDER THIS SECTION. ~~When~~ IF
6 the surrender of the certificate is due to the vessel being
7 destroyed or abandoned, the secretary of state shall cancel the
8 certificate and enter that fact in the secretary of state's
9 records and the number may be reassigned.

10 (2) THE OWNER OF A VESSEL SHALL NOTIFY THE SECRETARY OF
11 STATE IF THE OWNER'S ADDRESS NO LONGER CONFORMS TO THE ADDRESS
12 APPEARING ON THE CERTIFICATE OF NUMBER. A PERSON WHO VIOLATES
13 THIS SUBSECTION IS RESPONSIBLE FOR A MARINE LAW CIVIL
14 INFRACTION.

15 (3) ~~(2) The owner of a destroyed vessel, upon proper~~ UPON
16 application, THE OWNER OF A DESTROYED VESSEL may receive a new
17 certificate of number FOR A REPLACEMENT VESSEL, valid for the
18 remainder of the numbering period, ~~for a replacement vessel,~~ if
19 all of the following conditions are met:

20 (a) The replacement vessel is owned by the same person who
21 owned the destroyed vessel.

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

25 (c) ~~Payment of~~ THE OWNER OF THE REPLACEMENT VESSEL PAYS a
26 \$2.00 application fee.

1 (4) ~~(3)~~ If the fees required for the replacement vessel
2 under section 33 are less than the fees ~~which~~ THAT were
3 required for the destroyed vessel, the owner of the vessel shall
4 not receive a refund.

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

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

1 certificate of number and a person shall not operate ~~the~~ THAT
2 vessel until a certificate is issued. Upon receipt of the appli-
3 cation and appropriate fees, the secretary of state shall trans-
4 fer the certificate of number issued for the vessel to the ~~new~~
5 ~~owner~~ TRANSFEREE. The certificate of number ~~shall be~~ IS valid
6 for a 3-year period.

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

10 Sec. 40. (1) Each municipal judge and each clerk of a court
11 of record shall keep a full record of every case in which a
12 person is charged with or cited for a violation of ~~this act or~~
13 ~~of a local ordinance corresponding to this act~~ A MARINE LAW reg-
14 ulating the operation of vessels.

15 (2) Within 14 days after a conviction, forfeiture of bail,
16 entry of a civil infraction determination, or default judgment
17 upon a charge of, or citation for, violating ~~this act or a local~~
18 ~~ordinance corresponding to this act~~ A MARINE LAW regulating the
19 operation of vessels, except as provided in subsection (11), the
20 municipal judge or clerk of the court of record shall prepare and
21 immediately forward to the secretary of state an abstract of the
22 record of the court for the case. The abstract shall be certi-
23 fied to be true and correct by signature, stamp, or facsimile
24 signature by the person required to prepare the abstract. If a
25 city or village department, bureau, or person is authorized to
26 accept a payment of money as a settlement for a violation of a
27 local ordinance corresponding to this act, the city or village

1 department, bureau, or person shall send a full report of each
2 case in which a person pays any amount of money to the city or
3 village department, bureau, or person to the secretary of state
4 upon a form prescribed by the secretary of state.

5 (3) The abstract or report required under this section shall
6 be made upon a form furnished by the secretary of state and shall
7 include all of the following:

8 (a) The name, address, and date of birth of the person
9 charged or cited.

10 (b) The date and nature of the violation.

11 (c) The type of vessel operated at the time of the
12 violation.

13 (d) The date of the conviction, finding, forfeiture, judg-
14 ment, or determination.

15 (e) Whether bail was forfeited.

16 (f) Any order issued by the court pursuant to this act.

17 (g) Other information considered necessary to the secretary
18 of state.

19 (4) As used in subsections (5) to (7), "felony in which a
20 vessel was used" means a felony during the commission of which
21 the person operated a vessel and while operating the vessel
22 presented real or potential harm to persons or property and 1 or
23 more of the following circumstances existed:

24 (a) The vessel was used as an instrument of the felony.

25 (b) The vessel was used to transport a victim of the
26 felony.

1 (c) The vessel was used to flee the scene of the felony.

2 (d) The vessel was necessary for the commission of the
3 felony.

4 (5) If a person 17 YEARS OF AGE OR OLDER is charged with a
5 felony in which a vessel was used, the prosecuting attorney shall
6 include the following statement on the complaint and information
7 filed in THE MUNICIPAL, district, or circuit court, OR RECORDER'S
8 COURT OF THE CITY OF DETROIT:

9 "You are charged with the commission of a felony in which a
10 vessel was used. If you are convicted and the judge finds that
11 the conviction is for a felony in which a vessel was used, as
12 defined in section 40 of the marine safety act, Act No. 303 of
13 the Public Acts of 1967, being section 281.1040 of the Michigan
14 Compiled Laws, the secretary of state will order you not to oper-
15 ate a vessel on the waters of this state."

16 (6) If a ~~child~~ PERSON LESS THAN 17 YEARS OF AGE is accused
17 of an act the nature of which constitutes a felony in which a
18 vessel was used, the prosecuting attorney or juvenile court shall
19 include the following statement on the petition filed in the pro-
20 bate court:

21 "You are accused of an act the nature of which constitutes a
22 felony in which a vessel was used. If the accusation is found to
23 be true and the judge or referee finds that the nature of the act
24 constitutes a felony in which a vessel was used, as defined in
25 section 40 of the marine safety act, Act No. 303 of the Public
26 Acts of 1967, being section 281.1040 of the Michigan Compiled

1 Laws, the secretary of state will order you not to operate a
2 vessel on the waters of this state."

3 (7) If the judge or juvenile court referee determines as
4 part of the sentence or disposition that the felony for which the
5 defendant was convicted or adjudicated and with respect to which
6 notice was given pursuant to subsection (5) or (6) is a felony in
7 which a vessel was used, the clerk of the court shall forward an
8 abstract of the court record of that conviction or adjudication
9 to the secretary of state.

10 (8) Every person required to forward abstracts to the secre-
11 tary of state under this section shall certify for the period
12 from January 1 through June 30 and for the period from July 1
13 through December 31 that all abstracts required to be forwarded
14 during the period have been forwarded. The certification shall
15 be filed with the secretary of state not later than 28 days after
16 the end of the period covered by the certification. The certifi-
17 cation shall be made upon a form furnished by the secretary of
18 state and shall include all of the following:

19 (a) The name and title of the person required to forward
20 abstracts.

21 (b) The court for which the certification is filed.

22 (c) The time period covered by the certification.

23 (d) The following statement:

24 "I certify that all abstracts required by section 40 of the
25 marine safety act, MCL 281.1040; MSA 18.1287(40), for the period
26 _____ through _____ have been forwarded to the
27 secretary of state."

1 (e) Other information the secretary of state considers
2 necessary.

3 (f) The signature of the person required to forward
4 abstracts.

5 (9) The failure, refusal, or neglect of a person to comply
6 with this section constitutes misconduct in office and is grounds
7 for removal from office.

8 (10) Except as provided in subsection (11), the secretary of
9 state shall keep all abstracts received under this section at the
10 secretary of state's main office, and the abstracts shall be open
11 for public inspection during the office's usual business hours.
12 The secretary of state shall enter each abstract upon the boating
13 record of the person to whom it pertains and shall record the
14 information in a manner that makes the information available to
15 peace officers through the law enforcement information network.

16 (11) The court shall not submit, and the secretary of state
17 shall discard and not enter on the boating record, an abstract
18 for a conviction or civil infraction determination for a viola-
19 tion of this act that could not be the basis for the secretary of
20 state's issuance of an order not to operate a vessel on the
21 waters of this state. The secretary of state shall discard and
22 not enter on the boating record an abstract for a bond forfeiture
23 that occurred outside this state.

24 (12) The secretary of state shall inform the court of the
25 violations of this act that are used by the secretary of state as
26 the basis for issuance of an order not to operate a vessel on the
27 waters of this state.

1 (13) If a conviction or civil infraction determination is
 2 reversed upon appeal, the court shall transmit a copy of the
 3 order of reversal to the secretary of state, and the secretary of
 4 state shall enter the order in the proper book or index in con-
 5 nection with the record of the conviction or civil infraction
 6 determination.

7 (14) The secretary of state may permit a city or village
 8 department, bureau, person, or court to modify the requirement as
 9 to the time and manner of reporting a conviction, civil infrac-
 10 tion determination, or settlement to the secretary of state if
 11 the modification will increase the economy and efficiency of col-
 12 lecting and utilizing the records. If the permitted abstract of
 13 court record reporting a conviction, civil infraction determina-
 14 tion, or settlement originates as a part of the written notice to
 15 appear, authorized in section 163, the form of the written notice
 16 and report shall be as prescribed by the secretary of state.

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

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

24 (b) ~~When~~ IF A VESSEL IS overtaking a vessel proceeding in
 25 the same direction, the operator of the overtaking vessel ~~or~~
 26 ~~unless it is not feasible to do so,~~ shall pass, IF FEASIBLE, on
 27 the port side of the vessel ~~ahead~~ BEING OVERTAKEN.

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

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

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

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

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

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

26 (2) ~~Nothing in this~~ THIS section ~~shall~~ DOES NOT relieve
 27 the operator of a vessel ~~otherwise privileged by the provisions~~

1 ~~of this section~~ GIVEN DIRECTIONAL OR MOVEMENT PRIORITY UNDER
 2 THIS SECTION from the duty to operate with due regard for the
 3 safety of all persons using the waters of this state.

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

6 Sec. 72. (1) A person operating or propelling a vessel upon
 7 the waters of this state shall operate it in a careful and pru-
 8 dent manner and at ~~such~~ a rate of speed ~~so as~~ THAT DOES not
 9 ~~to~~ UNREASONABLY endanger ~~unreasonably~~ the life or property of
 10 ~~any~~ A person.

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

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

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

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

24 (2) ~~On waters of this state for which a motorboat speed~~
 25 ~~limit is not established under subsection (1), or on any waters~~
 26 ~~for which the commission has not established an unlimited~~
 27 ~~motorboat speed limit, or on any waters for which stricter speed~~

1 ~~restrictions are not established pursuant to an act, a~~ THE
2 maximum speed limit ON THE WATERS of THIS STATE IS 55 miles per
3 hour, ~~is established,~~ except ~~in an~~ AS OTHERWISE PROVIDED BY A
4 MARINE LAW.

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

7 (A) A BONA FIDE emergency ~~and except for authorized~~
8 SITUATION.

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

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

15 (4) Upon receipt of a resolution by the governing body of a
16 county, township, city, or village having jurisdiction over
17 waters of this state requesting a reduction in the maximum speed
18 limit on those waters, the commission, pursuant to sections 12 to
19 17, may establish a maximum speed limit not to exceed 40 miles
20 per hour on those waters.

21 (5) ~~(3)~~ A person shall not operate a motorboat on the
22 waters of this state at a speed greater than slow no-wake speed
23 or the minimum speed necessary for the motorboat to maintain for-
24 ward movement when within 100 feet of the shoreline where the
25 water depth is less than 3 feet, as determined by vertical mea-
26 surement, except in navigable channels not otherwise posted.

1 ~~(4) A person operating a motorboat in violation of this~~
 2 ~~section is guilty of reckless operation of a motorboat punishable~~
 3 ~~as provided in section 166.~~

4 (6) ~~(5)~~ The commission may waive this section and section
 5 114 for marine events authorized by the department under section
 6 151.

7 (7) A PERSON WHO EXCEEDS A SPEED LIMIT IN VIOLATION OF THIS
 8 SECTION IS RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION.

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

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

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

25 Sec. 76. (1) A person shall not operate a vessel on ~~any~~
 26 ~~of~~ the waters of this state within a lawfully authorized
 27 restricted area clearly marked by buoys, beacons, or other

1 distinguishing devices IDENTIFYING THAT AREA as being prohibited
2 to vessels.

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

5 Sec. 77. (1) An operator of ~~any~~ A vessel shall not have
6 in tow or otherwise be assisting in the propulsion of a person on
7 water skis, water sled, surfboard, or other similar contrivance
8 during the period of 1 hour after sunset to 1 hour prior to
9 sunrise. ~~Any~~

10 (2) A person ~~permitting~~ SHALL NOT PERMIT himself OR
11 HERSELF to be towed on water skis, water sled, surfboard, or sim-
12 ilar contrivance in violation of ~~any of the provisions of~~ this
13 act. ~~is guilty of a misdemeanor.~~

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

16 Sec. 78. (1) A person shall not operate a vessel on the
17 waters of this state if he or she is towing or otherwise assist-
18 ing a person on water skis, water sled, aquaplane, surfboard, or
19 other similar contrivance unless a person capable of communicat-
20 ing to the vessel operator the condition and needs of the person
21 being towed or assisted is on board the vessel and positioned to
22 observe the person being towed or assisted.

23 (2) Subsection (1) does not apply to vessels used by duly
24 constituted ski schools in the giving of instructions, or to ves-
25 sels used in sanctioned ski tournaments, competitions, exposi-
26 tions, or trials. Vessels described in this subsection shall be
27 equipped with a 170-degree wide-angle rearview mirror affixed in

1 a manner that will permit the operator to observe the progress of
2 the person being towed.

3 (3) This section does not apply to motorboats less than 16
4 feet in length actually operated by the person being towed and so
5 constructed as to be incapable of carrying the operator in or on
6 the motorboat.

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

9 Sec. 79. (1) ~~Any~~ AN occupant or operator of ~~any~~ A
10 vessel ~~underway~~ OPERATED on the waters of this state shall not
11 sit, stand, or walk upon any portion of the vessel not specially
12 designed for ~~such~~ THAT purpose, except when immediately neces-
13 sary for the safe and reasonable navigation or operation of the
14 vessel.

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

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

20 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
21 MARINE LAW CIVIL INFRACTION.

22 Sec. 101. (1) ~~Any~~ A person diving or submerging in ~~any~~
23 ~~of~~ the waters of this state with the aid of a diving suit or
24 other mechanical diving device shall place a buoy or boat in the
25 water at or near the point of submergence. The buoy or boat
26 shall bear a red flag not less than 14 inches by 16 inches with a
27 3-1/2 inch white stripe running from 1 upper corner to a diagonal

1 lower corner. The flag shall be in place only while actual
2 diving operations are in progress.

3 (2) A PERSON SHALL NOT OPERATE A vessel ~~shall not be~~
4 ~~operated~~ within 200 feet of a buoyed diver's flag unless ~~it~~ HE
5 OR SHE is involved in tendering the diving operation. A person
6 diving shall stay within a surface area of 100 feet of the
7 diver's flag.

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

10 Sec. 141. (1) ~~The~~ WITHOUT EXPENSE TO THE STATE, THE
11 department may ~~authorize, through the issuance of~~ ISSUE revoca-
12 ble permits ~~, AUTHORIZING~~ the placing of buoys or beacons in
13 the waters of this state to mark obstruction to navigation, to
14 designate bathing areas, to designate vessel anchorages, or for
15 any other purpose ~~if it will promote~~ THAT PROMOTES safety or
16 navigation. ~~Any~~

17 (2) A person ~~who desires~~ SEEKING to place ~~buoys or~~
18 ~~beacons~~ A BUOY OR A BEACON in the waters of this state ~~, with~~
19 ~~out expense to the state,~~ shall ~~make application~~ APPLY to the
20 department FOR A REVOCABLE PERMIT in ~~such~~ THE form and contain-
21 ing ~~such~~ THE information ~~as~~ THAT the department may require.
22 ~~Buoys or beacons, except~~

23 (3) EXCEPT for A mooring ~~buoys~~ BUOY, A PERSON shall not
24 ~~be placed~~ PLACE A BUOY OR BEACON in the waters of this state
25 unless authorized by the department in writing. ~~When~~ IF autho-
26 rization ~~has been~~ IS granted, the ~~buoys or beacons shall be~~
27 ~~placed~~ PERSON SHALL PLACE THE BUOY OR BEACON only in accordance

1 with the terms of the permit. ~~and shall be deemed~~ A BUOY OR
2 BEACON PLACED IN COMPLIANCE WITH THIS ACT IS lawfully placed.
3 ~~If buoys or beacons are~~ THE DEPARTMENT MAY ORDER THE REMOVAL OF
4 A BUOY OR BEACON placed in the waters of this state without a
5 permit. ~~having been issued, the department may order their~~
6 ~~removal. If, in the judgment of the department, buoys or beacons~~
7 ~~authorized by it are found to be improperly placed or that the~~
8 ~~reason for their placement no longer exists or that the buoys or~~
9 ~~beacons do not conform~~ THE DEPARTMENT MAY REVOKE A PERMIT FOR,
10 AND MAY ORDER THE REMOVAL OF, A BUOY OR BEACON THAT THE DEPART-
11 MENT DETERMINES IS ANY OF THE FOLLOWING:

12 (A) IMPROPERLY PLACED.

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

14 (C) NOT CONFORMING to the uniform system of marking estab-
15 lished by state regulation. ~~, the department may revoke the~~
16 ~~permit authorizing their placement and may order their removal.~~
17 ~~Revocation of permits and orders of removal shall be~~

18 (D) NOT COMPLYING WITH A PERMIT CONDITION.

19 (4) THE DEPARTMENT SHALL REVOKE A PERMIT AND ISSUE AN ORDER
20 OF REMOVAL PURSUANT TO SUBSECTION (3) by PROVIDING written notice
21 to the person ~~placing the buoys or beacons~~ WHO PLACED THE BUOY
22 OR BEACON AT A SITE or to the person to whom the permit was
23 issued, at ~~his~~ THAT PERSON'S last known address, directing the
24 removal within a specified time. The person to whom the notice
25 is directed shall remove the ~~buoys or beacons~~ BUOY OR BEACON in
26 accordance with the ~~instructions~~ WRITTEN NOTICE. If the person
27 fails to remove the ~~buoys or beacons~~ BUOY OR BEACON within the

1 specified time, the department may ~~cause their removal, and the~~
2 ~~cost and expense of the removal shall be charged against the~~
3 ~~person authorized to place the buoys or beacons or, where autho-~~
4 ~~rization has not been granted, the person placing such buoys or~~
5 ~~beacons and shall be~~ REMOVE THE BUOY OR BEACON AT THAT PERSON'S
6 COST. THE DEPARTMENT MAY REMOVE AN UNAUTHORIZED BUOY OR BEACON
7 AND RECOVER THE COST OF THAT REMOVAL FROM THE PERSON WHO PLACED
8 THE BUOY OR BEACON AT A SITE WITHOUT A PERMIT. THE COSTS ARE
9 recoverable through ~~any~~ A court of competent jurisdiction.

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

12 Sec. 161. (1) Upon the direction of a peace officer, the
13 operator OR PERSON IN CHARGE of a vessel moving on the waters of
14 this state shall immediately bring the vessel to a stop or maneu-
15 ver it in a manner that permits the peace officer to come beside
16 the vessel. The operator of the vessel and any person on the
17 vessel shall do the following upon the request of the peace
18 officer:

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

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

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

26 (2) Each police chief, the director of the law enforcement
27 division of the department, the director of the department of

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

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

6 (b) Receipts for each uniform inspection decal copy.

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

11 (a) Effective for 1 calendar year.

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

13 (c) Attachable to a vessel and bearing language that sub-
14 stantially complies with the following: "This vessel has been
15 inspected by _____ on _____ and is in compliance with the
16 equipment and registration requirements of the marine safety act,
17 Act No. 303 of the Public Acts of 1967."

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

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

1 (a) The name of the peace officer.

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

3 (c) The vessel's identifying number.

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

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

16 (8) 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.

21 (9) A peace officer who observes a marine law violation THAT
22 IS A FELONY OR A MISDEMEANOR may immediately arrest the person
23 without a warrant, or issue to the person a written or verbal
24 warning.

25 Sec. 162. If a person is arrested without a warrant for any
26 of the following, the arrested person shall, without unreasonable
27 delay, be arraigned by a magistrate or judge who is within the

1 county in which the offense charged is alleged to have been
2 committed, who has jurisdiction of the offense, and who is near-
3 est or most accessible with reference to the place where the
4 arrest is made:

5 (a) ~~The person is arrested upon a charge of negligent~~
6 NEGLIGENT homicide.

7 (b) ~~The person is arrested under~~ A VIOLATION OF section
8 171(1), (3), (4), or (5), or a VIOLATION OF A local ordinance
9 substantially corresponding to section 171(1) or (3).

10 (c) ~~The person is arrested under~~ A VIOLATION OF section 74
11 or a local ordinance substantially corresponding to section 74.
12 If in the existing circumstances it does not appear that releas-
13 ing the person pending the issuance of a warrant will constitute
14 a public menace, the arresting officer may proceed as provided by
15 section 163.

16 Sec. 163. (1) When a person is arrested without a warrant
17 for any violation of this act punishable as a misdemeanor, or of
18 a provision of any local ordinance or rule established in con-
19 formity with this act, under conditions not referred to in sec-
20 tion 162, the arresting officer shall prepare ~~in duplicate~~ AS
21 SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE AN ORIGINAL AND 3
22 COPIES OF a written ~~notice~~ CITATION to appear in court contain-
23 ing the name and address of the person, the offense charged, and
24 the time and place when and where the person shall appear in
25 court. ~~If~~ THE OFFICER SHALL INFORM THE OFFENDER OF THE VIOLA-
26 TION AND SHALL GIVE THE SECOND COPY OF THE CITATION TO THE
27 ALLEGED OFFENDER UPON THE DEMAND OF the arrested person. ~~so~~

1 ~~demands, he or she shall be arraigned by~~ THE ARRESTING OFFICER
2 SHALL TAKE HIM OR HER BEFORE a DISTRICT COURT magistrate, ~~or a~~
3 district court judge, A MUNICIPAL COURT JUDGE, OR THE PROBATE
4 COURT as provided in section 162 in lieu of being given the
5 ~~notice~~ CITATION.

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

9 (3) The place OF COURT APPEARANCE specified in the ~~notice~~
10 ~~to appear~~ CITATION shall be ~~before a magistrate or a~~ THE dis-
11 trict OR MUNICIPAL court ~~judge~~ within the ~~township or county~~
12 JUDICIAL DISTRICT in which the offense charged is alleged to have
13 ~~been committed and who has jurisdiction of the offense~~
14 OCCURRED.

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

26 SEC. 163A. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER
27 SECTION 163 FOR A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT

1 MORE THAN 90 DAYS, A COURT HAVING JURISDICTION MAY ACCEPT A PLEA
2 OF GUILTY OR NOT GUILTY UPON THE CITATION WITHOUT RECEIPT OF A
3 SWORN COMPLAINT, BUT SHALL NOT MAKE A DOCKET RETURN ON THE COM-
4 PLAINT UNTIL THE OFFICER SIGNS THE COMPLAINT.

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

11 Sec. 164. (1) If a person not a resident of this state is
12 arrested without a warrant for ~~any~~ A MARINE LAW violation ~~of~~
13 ~~this act under conditions~~ THAT IS PUNISHABLE AS A MISDEMEANOR,
14 AND THE VIOLATION IS not referred to under section 162, the offi-
15 cer making the arrest, upon demand of the arrested person, shall
16 immediately take the person for arraignment by a magistrate or a
17 district court judge in the ~~vicinity~~ JUDICIAL DISTRICT IN WHICH
18 THE OFFENSE CHARGED IS ALLEGED TO HAVE OCCURRED to answer to the
19 complaint made against him or her. If a magistrate or ~~a dis-~~
20 ~~trict court~~ judge IN THAT JUDICIAL DISTRICT is not available or
21 an immediate trial cannot be had, the person arrested may recog-
22 nize to the officer for his or her appearance by leaving with
23 ~~him or her~~ THE OFFICER A GUARANTEED APPEARANCE CERTIFICATE OR a
24 sum of money not to exceed ~~\$25.00~~ \$50.00 AND THE FOLLOWING
25 SHALL APPLY:

26 (A) ~~(2)~~ The officer making the arrest shall give a receipt
27 to the person arrested for the GUARANTEED APPEARANCE CERTIFICATE

1 OR money deposited with ~~him or her under subsection (1)~~ THAT
2 OFFICER together with a written ~~summons~~ CITATION as provided in
3 section 163.

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

9 (2) ~~(4) Within~~ NOT MORE THAN 48 hours after ~~taking~~ A
10 PEACE OFFICER RECEIVES A CERTIFICATE OR a deposit OF MONEY under
11 this section, ~~the officer shall deposit the money with the mag-~~
12 ~~istrate or the district court judge named in the notice to~~
13 ~~appear, together with a report stating the facts relating to the~~
14 ~~arrest. Failure to make the report and~~ HE OR SHE SHALL DELIVER
15 THAT CERTIFICATE OR DEPOSIT OF MONEY AND A REPORT STATING THE
16 FACTS RELATING TO THE ARREST TO THE COURT NAMED IN THE CITATION,
17 OR TO THE POLICE CHIEF OR PERSON AUTHORIZED BY THE POLICE CHIEF
18 TO RECEIVE CERTIFICATES AND DEPOSITS. THE POLICE CHIEF OR PERSON
19 AUTHORIZED BY THE POLICE CHIEF SHALL DEPOSIT WITH THE COURT THE
20 CERTIFICATE OR THE MONEY DEPOSITED AND THE CITATION IN THE SAME
21 MANNER AS PRESCRIBED FOR CITATIONS IN SECTION 193B.

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

25 (4) FOR THE PURPOSES OF THIS SECTION, "GUARANTEED APPEARANCE
26 CERTIFICATE" MEANS THAT TERM AS DEFINED IN SECTION 194H.

1 Sec. 165. (1) ~~Any~~ A PEACE officer, JUDGE, OR DISTRICT
2 COURT magistrate, ~~or district court judge violating~~ WHO
3 VIOLATES section 163 or 164 is guilty of misconduct in office and
4 is subject to removal from office.

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

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

15 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A polit-
16 ical subdivision ~~having adopted any~~ THAT ENACTS A local ordi-
17 nance in conformity with this act may provide that ~~any~~ A viola-
18 tion ~~thereof~~ OF THAT ORDINANCE is a misdemeanor OR A MARINE LAW
19 CIVIL INFRACTION. ~~Any~~

20 (3) A POLITICAL SUBDIVISION SHALL NOT ENACT A LOCAL ORDI-
21 NANCE THAT PROVIDES A CRIMINAL PENALTY FOR AN ACT OR OMISSION
22 THAT IS A CIVIL INFRACTION UNDER THIS ACT, OR THAT IMPOSES A PEN-
23 ALTY IN EXCESS OF THAT PRESCRIBED IN THIS ACT. A LOCAL ORDINANCE
24 THAT IS IN CONFLICT WITH THIS ACT IS VOID TO THE EXTENT OF THE
25 CONFLICT. A POLITICAL SUBDIVISION SHALL NOT DESIGNATE AS A
26 MARINE LAW CIVIL INFRACTION AN ACT OR OMISSION THAT IS A
27 MISDEMEANOR OR FELONY UNDER THIS ACT.

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

9 Sec. 175. (1) A peace officer ~~—~~ without a warrant ~~—~~ may
10 arrest a person if the peace officer has reasonable cause to
11 believe that the person was, at the time of an accident, the
12 operator of a vessel involved in the accident in this state while
13 in violation of section 171(1), (3), (4), or (5) or a local ordi-
14 nance substantially corresponding to section 171(1) or (3).

15 (2) A peace officer who has reasonable cause to believe that
16 a person was operating a vessel on the waters of this state, and
17 that, by the consumption of intoxicating liquor, the person may
18 have affected his or her ability to operate a vessel, may require
19 the person to submit to a preliminary chemical breath analysis.
20 The following provisions apply with respect to a preliminary
21 chemical breath analysis:

22 (a) Only a peace officer who has successfully completed a
23 training course taught by a state-certified instructor in the
24 administration of the preliminary chemical breath analysis may
25 administer that test.

26 (b) A peace officer may arrest a person based in whole or in
27 part upon the results of a preliminary chemical breath analysis.

1 (c) The results of a preliminary chemical breath analysis
2 are admissible in a criminal prosecution for a crime described in
3 section 183(1) or in an administrative hearing solely to assist
4 the court or hearing officer in determining a challenge to the
5 validity of an arrest. This subdivision does not limit the
6 introduction of other competent evidence offered to establish the
7 validity of an arrest.

8 (d) A person who submits to a preliminary chemical breath
9 analysis remains subject to the requirements of sections 183 to
10 186 for the purposes of chemical tests described in those
11 sections.

12 (e) A person who refuses to submit to a preliminary chemical
13 breath analysis upon a lawful request by a peace officer is
14 responsible for a MARINE LAW civil infraction and subject to a
15 civil fine of not more than \$100.00.

16 (3) A peace officer making an arrest under this act shall
17 take measures to assure that the vessel and its occupants are
18 safely returned to shore.

19 (4) If, within 60 days after the issuance of a citation for
20 a MARINE LAW civil infraction under this section, the person to
21 whom the citation is issued is not charged with a violation of
22 section 171(1), (3), (4), or (5) or a local ordinance substan-
23 tially corresponding to section 171(1) or (3), the citation
24 issued for the MARINE LAW civil infraction is void. Upon appli-
25 cation of the person to whom the citation is issued, money paid
26 by the person as a fine, costs, or otherwise shall be immediately
27 returned.

1 SEC. 187C. THE COURT THAT COLLECTS AN ADMINISTRATIVE ORDER
2 PROCESSING FEE PURSUANT TO SECTION 187B SHALL TRANSMIT 60% OF THE
3 COLLECTED AMOUNT TO THE SECRETARY OF STATE TO DEFRAY EXPENSES
4 INCURRED BY THE SECRETARY OF STATE UNDER THIS ACT.

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

12 (2) ~~When such~~ IF THE conditions DESCRIBED IN SUBSECTION
13 (1) exist, ~~any~~ A harbormaster, peace ~~or police~~ officer, or
14 other authorized official may rope off or barricade entry to
15 ~~these structures~~ THE UNSAFE PUBLIC DOCK, PIER, WHARF, OR
16 RETAINING WALL, or THAT PERSON MAY post in a conspicuous manner
17 notices that entry ~~thereon~~ TO THAT PUBLIC DOCK, PIER, WHARF, OR
18 RETAINING WALL for the purpose of fishing, swimming, or other
19 recreational activity is prohibited.

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

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

1 (B) A notice against entry is ~~given by posting~~ POSTED in a
2 conspicuous manner. ~~, or (3)~~

3 (C) A notice to leave or stay off is personally communicated
4 to him OR HER by a peace ~~or police~~ officer or other authorized
5 official of the ~~local unit of government~~ POLITICAL
6 SUBDIVISION.

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

12 (2) A person who is bathing or swimming from a bathing beach
13 maintained primarily for public ~~usage~~ USE shall not bathe or
14 swim in waters ~~which~~ THAT are within 100 feet beyond the buoyed
15 bathing or swimming area. This subsection ~~shall~~ DOES not apply
16 to persons swimming from adjacent privately owned beaches ~~which~~
17 THAT are not open to the general public.

18 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
19 MARINE LAW CIVIL INFRACTION.

20 SEC. 193. EACH POLICE CHIEF, THE DIRECTOR OF THE LAW
21 ENFORCEMENT DIVISION OF THE DEPARTMENT, THE DIRECTOR OF THE
22 DEPARTMENT OF STATE POLICE, AND EACH SHERIFF SHALL DO BOTH OF THE
23 FOLLOWING:

24 (A) ISSUE CITATION BOOKS OF CONSECUTIVELY NUMBERED CITATIONS
25 TO EACH PEACE OFFICER OF HIS OR HER DEPARTMENT WHOSE DUTIES MAY
26 OR WILL INCLUDE ENFORCEMENT OF MARINE LAW.

1 (B) OBTAIN A RECEIPT FROM THE OFFICER TO WHOM A CITATION
2 BOOK HAS BEEN ISSUED UPON A FORM CREATED BY THE SECRETARY OF
3 STATE, THE ATTORNEY GENERAL, THE STATE COURT ADMINISTRATOR, AND
4 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

5 SEC. 193A. (1) AS USED IN THIS ACT, "CITATION" MEANS AN
6 ORIGINAL AND 3 COPIES OF A WRITTEN NOTICE TO APPEAR, ON A FORM
7 APPROVED BY THE SECRETARY OF STATE, ATTORNEY GENERAL, STATE COURT
8 ADMINISTRATOR, AND THE DIRECTOR OF THE DEPARTMENT OF STATE
9 POLICE, UPON WHICH A PEACE OFFICER RECORDS AN OCCURRENCE OF A
10 PERSON'S ALLEGED VIOLATION OF A MARINE LAW.

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

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

22 (A) ADMIT RESPONSIBILITY FOR THE MARINE LAW CIVIL INFRACTION
23 IN PERSON, BY REPRESENTATION, OR BY MAIL.

24 (B) ADMIT RESPONSIBILITY FOR THE MARINE LAW CIVIL INFRACTION
25 "WITH EXPLANATION" IN PERSON, BY REPRESENTATION, OR BY MAIL.

26 (C) DENY RESPONSIBILITY FOR THE MARINE LAW CIVIL INFRACTION
27 BY DOING EITHER OF THE FOLLOWING:

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

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

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

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

22 (6) IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A
23 MISDEMEANOR, THE PEACE OFFICER ISSUING THE CITATION SHALL PROVIDE
24 THE PERSON TO WHOM IT IS ISSUED THE SECOND COPY OF THE CITATION.
25 IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A MARINE LAW
26 CIVIL INFRACTION, THE PEACE OFFICER ISSUING THE CITATION SHALL

1 PROVIDE THE PERSON TO WHOM IT IS ISSUED THE THIRD COPY OF THE
2 CITATION.

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

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

17 SEC. 193B. (1) BEFORE THE EXPIRATION OF 48 HOURS AFTER THE
18 COMPLETION OF HIS OR HER TOUR OF DUTY, A PEACE OFFICER TO WHOM A
19 CITATION BOOK HAS BEEN ISSUED AND WHO HAS RECORDED THE OCCURRENCE
20 OF A MARINE LAW VIOLATION UPON A CITATION SHALL DELIVER TO HIS OR
21 HER POLICE CHIEF OR TO A PERSON DULY AUTHORIZED BY THE POLICE
22 CHIEF TO RECEIVE CITATIONS ALL COPIES OF THE CITATION DULY
23 SIGNED. THE POLICE CHIEF OR A PERSON DULY AUTHORIZED BY THE
24 POLICE CHIEF SHALL DEPOSIT THE ORIGINAL OF THE CITATION WITH THE
25 COURT HAVING JURISDICTION OVER THE OFFENSE NOT LATER THAN 3 DAYS
26 AFTER THE DATE OF THE CITATION, EXCLUDING SATURDAYS, SUNDAYS, AND
27 LEGAL HOLIDAYS.

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

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

13 (4) THIS ACT DOES NOT PREVENT A PERSON WHO IS NOT A PEACE
14 OFFICER FROM APPLYING FOR THE ISSUANCE OF A CRIMINAL COMPLAINT
15 FOR A MARINE LAW VIOLATION THAT IS NOT A MARINE LAW CIVIL INFRAC-
16 TION, AND THAT PERSON IS NOT REQUIRED TO SHOW THAT THE ALLEGED
17 OFFENDER HAS BEEN ISSUED A CITATION IN CONNECTION WITH THE
18 OFFENSE.

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

25 SEC. 193D. THE FISCAL OFFICER OF THE POLITICAL SUBDIVISION
26 TO WHICH A MARINE LAW ENFORCEMENT AGENCY OR DEPARTMENT IS
27 RESPONSIBLE SHALL CONDUCT A COMPLETE AUDIT OF CITATION RECORDS OF

1 THAT POLITICAL SUBDIVISION AT LEAST ANNUALLY. THE STATE
2 TREASURER MAY AUDIT THOSE CITATION RECORDS AT ANY TIME.

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

11 SEC. 194. (1) A MARINE LAW CIVIL INFRACTION ACTION IS A
12 CIVIL ACTION IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE
13 FOR A MARINE LAW CIVIL INFRACTION. UPON THE ISSUANCE AND SERVICE
14 OF A CITATION AS PROVIDED IN SECTION 194A, A MARINE LAW CIVIL
15 INFRACTION ACTION MAY BE BROUGHT IN THE DISTRICT COURT OR A
16 MUNICIPAL COURT BY EITHER OF THE FOLLOWING:

17 (A) THE STATE, IF THE ALLEGED MARINE LAW CIVIL INFRACTION IS
18 A VIOLATION OF THIS ACT OR A RULE ESTABLISHED IN CONFORMITY WITH
19 THIS ACT.

20 (B) A POLITICAL SUBDIVISION, IF THE ALLEGED MARINE LAW CIVIL
21 INFRACTION IS A VIOLATION OF A LOCAL ORDINANCE OF THAT SUBDIVI-
22 SION WHICH IS ESTABLISHED IN CONFORMITY WITH THIS ACT.

23 (2) THE TIME FOR APPEARANCE SPECIFIED IN A CITATION FOR A
24 MARINE LAW CIVIL INFRACTION SHALL BE WITHIN A REASONABLE TIME
25 AFTER THE CITATION IS ISSUED PURSUANT TO SECTION 194A.

26 (3) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE IS
27 THE DISTRICT COURT OR MUNICIPAL COURT THAT HAS TERRITORIAL

1 JURISDICTION OF THE SITE OF THE MARINE LAW CIVIL INFRACTION.
2 VENUE IN THE DISTRICT COURT SHALL BE GOVERNED BY SECTION 8312 OF
3 THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC
4 ACTS OF 1961, BEING SECTION 600.8312 OF THE MICHIGAN COMPILED
5 LAWS.

6 (4) IF THE PERSON CITED FOR A MARINE LAW CIVIL INFRACTION IS
7 LESS THAN 17 YEARS OF AGE, HE OR SHE MAY APPEAR IN THE DISTRICT
8 OR MUNICIPAL COURT TO ADMIT RESPONSIBILITY FOR A MARINE LAW CIVIL
9 INFRACTION WITHOUT APPOINTMENT OF A GUARDIAN OR NEXT FRIEND. THE
10 DISTRICT COURT OR MUNICIPAL COURT HAS JURISDICTION OVER THAT
11 PERSON AND MAY PROCEED IN THE SAME MANNER AND IN ALL RESPECTS AS
12 IF THAT INDIVIDUAL WERE 17 YEARS OF AGE OR OLDER.

13 SEC. 194A. (1) A PEACE OFFICER WHO WITNESSES A PERSON COM-
14 MITTING A MARINE LAW CIVIL INFRACTION MAY DO ANY OF THE
15 FOLLOWING:

16 (A) DIRECT THE PERSON TO EITHER BRING THE VESSEL TO A STOP
17 OR MANEUVER IT IN A MANNER THAT PERMITS THE PEACE OFFICER TO COME
18 ALONGSIDE.

19 (B) DETAIN THE PERSON TEMPORARILY TO MAKE A RECORD OF THE
20 VESSEL CHECK.

21 (C) PREPARE AND SUBSCRIBE, AS SOON AND AS COMPLETELY AS POS-
22 SIBLE, A CITATION FOR 1 OR MORE MARINE LAW CIVIL INFRACTIONS.

23 (2) IF A PEACE OFFICER OF A POLITICAL SUBDIVISION WITNESSES
24 A PERSON VIOLATING THIS ACT OR A LOCAL ORDINANCE SUBSTANTIALLY
25 CORRESPONDING TO THIS ACT WITHIN THAT POLITICAL SUBDIVISION, AND
26 THAT VIOLATION IS A MARINE LAW CIVIL INFRACTION, THAT PEACE
27 OFFICER MAY PURSUE, STOP, AND DETAIN THE PERSON OUTSIDE THE

1 POLITICAL SUBDIVISION WHERE THE VIOLATION OCCURRED TO EXERCISE
2 THE AUTHORITY AND PERFORM THE DUTIES PRESCRIBED IN THIS SECTION
3 AND SECTION 194H.

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

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

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

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

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

22 (6) THE OFFICER SHALL INFORM THE PERSON OF THE ALLEGED
23 MARINE LAW CIVIL INFRACTION OR INFRACTIONS AND SHALL DELIVER THE
24 THIRD COPY OF THE CITATION TO THE ALLEGED OFFENDER.

25 SEC. 194B. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER
26 SECTION 194A FOR A MARINE LAW CIVIL INFRACTION, THE COURT HAVING
27 JURISDICTION MAY ACCEPT AN ADMISSION WITH EXPLANATION OR AN

1 ADMISSION OR DENIAL OF RESPONSIBILITY UPON THE CITATION WITHOUT A
2 SWORN COMPLAINT.

3 (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER
4 SECTION 194A DENIES RESPONSIBILITY FOR THE MARINE LAW CIVIL
5 INFRACTION, THE COURT SHALL NOT HOLD FURTHER PROCEEDINGS UNTIL A
6 SWORN COMPLAINT IS FILED WITH THAT COURT. A COURT SHALL NOT
7 ISSUE A WARRANT FOR ARREST OF A PERSON UNDER SECTION 195B UNTIL A
8 SWORN COMPLAINT AGAINST THE PERSON IS FILED WITH THE COURT.

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

14 SEC. 194D. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER
15 SECTION 194A SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE
16 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS
17 PROVIDED IN THIS SECTION.

18 (2) A PERSON MAY ADMIT RESPONSIBILITY FOR A MARINE LAW CIVIL
19 INFRACTION BY APPEARING AT THE COURT IN PERSON, BY REPRESENTA-
20 TION, OR BY MAIL. IF APPEARANCE IS MADE BY REPRESENTATION OR
21 MAIL, THE COURT MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS
22 THOUGH THE PERSON PERSONALLY APPEARED IN COURT. UPON ACCEPTANCE
23 OF THE ADMISSION, THE COURT MAY ORDER ANY OF THE SANCTIONS PER-
24 MITTED UNDER SECTION 195.

25 (3) A PERSON MAY ADMIT RESPONSIBILITY FOR A MARINE LAW CIVIL
26 INFRACTION "WITH EXPLANATION" IN EITHER OF THE FOLLOWING WAYS:

1 (A) BY APPEARING BY MAIL.

2 (B) BY DOING EACH OF THE FOLLOWING:

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

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

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

18 (5) A PERSON MAY DENY RESPONSIBILITY FOR A MARINE LAW CIVIL
19 INFRACTION BY APPEARING FOR AN INFORMAL OR FORMAL HEARING.
20 UNLESS THE HEARING DATE IS SPECIFIED ON THE CITATION, THE PERSON
21 SHALL CONTACT THE COURT IN PERSON, THROUGH A REPRESENTATIVE, BY
22 MAIL, OR BY TELEPHONE, AND OBTAIN A SCHEDULED DATE AND TIME TO
23 APPEAR FOR AN INFORMAL OR FORMAL HEARING. THE COURT SHALL SCHED-
24 ULE AN INFORMAL HEARING, UNLESS THE PERSON EXPRESSLY REQUESTS A
25 FORMAL HEARING. IF THE HEARING DATE IS SPECIFIED ON THE
26 CITATION, THE PERSON SHALL APPEAR ON THAT DATE FOR AN INFORMAL
27 HEARING UNLESS THE PERSON CONTACTS THE COURT AT LEAST 10 DAYS

1 BEFORE THAT DATE IN PERSON, THROUGH A REPRESENTATIVE, BY MAIL, OR
2 BY TELEPHONE TO REQUEST A FORMAL HEARING. IF THE PERSON
3 EXPRESSLY REQUESTS A FORMAL HEARING, THE COURT SHALL SCHEDULE A
4 FORMAL HEARING. IF A HEARING IS SCHEDULED BY TELEPHONE, THE
5 COURT SHALL MAIL THE DEFENDANT A CONFIRMING NOTICE OF THAT HEAR-
6 ING BY REGULAR MAIL TO THE ADDRESS APPEARING ON THE CITATION OR
7 TO AN ADDRESS FURNISHED BY THE DEFENDANT. THE COURT SHALL CON-
8 DUCT AN INFORMAL HEARING PURSUANT TO SECTION 194E AND A FORMAL
9 HEARING PURSUANT TO SECTION 194F.

10 SEC. 194E. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A
11 DISTRICT COURT JUDGE, A DISTRICT COURT MAGISTRATE WHEN AUTHORIZED
12 BY THE JUDGE OR JUDGES OF THE DISTRICT COURT DISTRICT, OR BY A
13 MUNICIPAL COURT JUDGE. A DISTRICT COURT MAGISTRATE MAY ADMINIS-
14 TER OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT AND CON-
15 CLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DISTRICT
16 COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN INFOR-
17 MAL MANNER TO ALLOW SUBSTANTIAL JUSTICE ACCORDING TO LAW, BUT
18 SHALL NOT BE BOUND BY THE STATUTORY PROVISIONS OR RULES OF PRAC-
19 TICE, PROCEDURE, PLEADING, OR EVIDENCE, EXCEPT PROVISIONS RELAT-
20 ING TO PRIVILEGED COMMUNICATIONS. A JUDGE OR MAGISTRATE SHALL
21 CONDUCT AN INFORMAL HEARING WITHOUT A JURY. A VERBATIM RECORD OF
22 AN INFORMAL HEARING IS NOT REQUIRED.

23 (2) AT AN INFORMAL HEARING THE PERSON CITED SHALL NOT BE
24 REPRESENTED BY AN ATTORNEY AND THE PLAINTIFF SHALL NOT BE REPRE-
25 SENTED BY THE PROSECUTING ATTORNEY OR ATTORNEY FOR A POLITICAL
26 SUBDIVISION.

1 (3) THE COURT SHALL PROVIDE NOTICE OF A SCHEDULED INFORMAL
2 HEARING TO THE LAW ENFORCEMENT AGENCY OR DEPARTMENT THAT ISSUED
3 THE CITATION. A PARTY MAY ISSUE A SUBPOENA TO COMPEL THE
4 ATTENDANCE OF A WITNESS, AND A WITNESS FEE IS NOT REQUIRED TO BE
5 PAID TO A WITNESS IN ADVANCE OF AN INFORMAL HEARING. A WITNESS
6 FEE FOR A WITNESS FOR THE PLAINTIFF IS PAYABLE BY THE DISTRICT
7 CONTROL UNIT OF THE DISTRICT COURT HOLDING THE HEARING, BY THE
8 CITY OR VILLAGE ACTING AS PLAINTIFF IN A MARINE LAW CIVIL INFRAC-
9 TION ACTION IF THE DISTRICT COURT IN THAT JUDICIAL DISTRICT IS
10 NOT FUNCTIONING, OR BY THE COUNTY IN WHICH THE HEARING IS HELD,
11 IF THE HEARING INVOLVES A MARINE LAW CIVIL INFRACTION UNDER THIS
12 ACT IN A JUDICIAL DISTRICT WHERE THE DISTRICT COURT IS NOT
13 FUNCTIONING.

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

23 (5) A PARTY TO AN INFORMAL HEARING MAY APPEAL A JUDGMENT
24 ENTERED AT THAT HEARING. AN APPEAL FROM THE DECISION OF A MUNIC-
25 IPAL COURT JUDGE SHALL BE A TRIAL DE NOVO IN THE CIRCUIT COURT.
26 AN APPEAL FROM THE DECISION OF A DISTRICT COURT MAGISTRATE SHALL
27 BE DE NOVO IN THE FORM OF A SCHEDULED FORMAL HEARING BEFORE A

1 JUDGE OF THE DISTRICT. AN APPEAL FROM THE DECISION OF A DISTRICT
2 COURT JUDGE SHALL BE DE NOVO IN THE FORM OF A SCHEDULED FORMAL
3 HEARING BEFORE A DIFFERENT JUDGE OF THAT DISTRICT.

4 SEC. 194F. (1) ONLY A JUDGE OF A COURT HAVING JURISDICTION
5 OVER MARINE LAW CIVIL INFRACTIONS UNDER SECTION 194(1) SHALL CON-
6 DUCT A FORMAL HEARING ON A CITATION ISSUED FOR AN ALLEGED MARINE
7 LAW CIVIL INFRACTION.

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

12 (3) THE COURT SHALL PROVIDE NOTICE OF A FORMAL HEARING TO
13 THE ATTORNEY WHO REPRESENTS THE PLAINTIFF. THAT ATTORNEY SHALL
14 BE RESPONSIBLE FOR THE ISSUANCE OF A SUBPOENA TO EACH WITNESS FOR
15 THE PLAINTIFF, AND THAT ATTORNEY SHALL APPEAR AT THE FORMAL
16 HEARING. THE DEFENDANT MAY SUBPOENA A WITNESS TO APPEAR AT THE
17 FORMAL HEARING. A WITNESS FEE IS NOT REQUIRED TO BE PAID TO A
18 WITNESS PRIOR TO A HEARING.

19 (4) THE WITNESS FEE OF A WITNESS FOR THE PLAINTIFF IS PAY-
20 ABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT HOLDING
21 THE HEARING, BY THE CITY OR VILLAGE ACTING AS PLAINTIFF IN A
22 MARINE LAW CIVIL INFRACTION ACTION IN A JUDICIAL DISTRICT WHERE
23 THE DISTRICT COURT IS NOT FUNCTIONING, OR BY THE COUNTY IF THE
24 HEARING INVOLVES A MARINE LAW CIVIL INFRACTION UNDER THIS ACT IN
25 A JUDICIAL DISTRICT WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

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

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

9 SEC. 194G. IF THE PERSON TO WHOM A CITATION IS ISSUED FOR A
10 MARINE LAW CIVIL INFRACTION FAILS TO APPEAR AS DIRECTED BY THE
11 CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER SECTION
12 194D(3), AT A SCHEDULED INFORMAL HEARING, OR AT A SCHEDULED
13 FORMAL HEARING, THE COURT SHALL ENTER A DEFAULT JUDGMENT AGAINST
14 THAT PERSON AND ALL MATTERS PERTAINING TO THE VIOLATION ARE
15 RESOLVED UNLESS THE COURT SETS ASIDE THE DEFAULT JUDGMENT.

16 SEC. 194H. (1) IF A PERSON WHO IS NOT A RESIDENT OF THIS
17 STATE IS STOPPED OR DETAINED FOR A MARINE LAW CIVIL INFRACTION
18 PURSUANT TO SECTION 194A AND THAT PERSON HAS IN HIS OR HER POS-
19 SESSION AN IDENTIFICATION DOCUMENT, THE PEACE OFFICER MAKING THE
20 STOP SHALL TAKE THAT PERSON'S IDENTIFICATION DOCUMENT AS SECURITY
21 FOR THE NONRESIDENT'S APPEARANCE IN COURT AND SATISFACTION OF ANY
22 ORDER WHICH MAY BE ISSUED UNDER SECTION 195, AND SHALL ISSUE TO
23 THAT PERSON A CITATION AS PROVIDED IN SECTIONS 193A AND 194A.
24 WITHIN 48 HOURS OF A PEACE OFFICER'S RECEIPT OF AN IDENTIFICATION
25 DOCUMENT UNDER THIS SECTION, THAT PEACE OFFICER SHALL DELIVER THE
26 IDENTIFICATION DOCUMENT TO THE COURT NAMED IN THE CITATION OR TO
27 THE APPLICABLE CHIEF POLICE OFFICER OR PERSON AUTHORIZED BY THAT

1 CHIEF POLICE OFFICER TO RECEIVE CITATIONS AND IDENTIFICATION
2 DOCUMENTS. THE CHIEF POLICE OFFICER OR PERSON AUTHORIZED SHALL
3 DEPOSIT THE IDENTIFICATION DOCUMENT AND CITATION WITH THE COURT
4 IN THE SAME MANNER AS PRESCRIBED FOR CITATIONS IN SECTION 193B.
5 FAILURE TO DELIVER THE IDENTIFICATION DOCUMENT IS CONTEMPT OF
6 COURT.

7 (2) IN LIEU OF THE OFFICER'S TAKING OF THE IDENTIFICATION
8 DOCUMENT UNDER SUBSECTION (1) OR BEFORE APPEARANCE IN COURT, THE
9 PERSON STOPPED MAY GUARANTEE TO THE OFFICER OR TO THE COURT FOR
10 HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A
11 GUARANTEED APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED
12 \$50.00.

13 (3) IF A JUDGE OR DISTRICT COURT MAGISTRATE IS AVAILABLE FOR
14 AN IMMEDIATE APPEARANCE, AND A NONRESIDENT TO WHOM A CITATION IS
15 ISSUED DEMANDS AN IMMEDIATE HEARING, THE PEACE OFFICER ISSUING
16 THE CITATION SHALL TAKE THE NONRESIDENT BEFORE THE JUDGE OR DIS-
17 TRICT COURT MAGISTRATE IMMEDIATELY FOR A HEARING ON THE ALLEGED
18 MARINE LAW CIVIL INFRACTION. THE COURT HAVING JURISDICTION SHALL
19 RETURN TO A NONRESIDENT THAT PERSON'S IDENTIFICATION UPON COMPLE-
20 TION OF AN INFORMAL HEARING OR UPON THAT PERSON'S ADMISSION OF
21 RESPONSIBILITY, IF ANY OF THE FOLLOWING OCCUR:

22 (A) JUDGMENT IS ENTERED FOR THAT PERSON.

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

24 (C) THAT PERSON PROVIDES THE COURT WITH A GUARANTEED APPEAR-
25 ANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$50.00 AS SECUR-
26 ITY FOR PAYMENT OF ANY FINES OR COSTS ORDERED.

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

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

11 (A) GIVE TO THE PERSON STOPPED FOR AN ALLEGED MARINE LAW
12 CIVIL INFRACTION A RECEIPT FOR THE GUARANTEED APPEARANCE CERTIFI-
13 CATE OR THE MONEY DEPOSITED.

14 (B) GIVE TO THE PERSON STOPPED FOR AN ALLEGED MARINE LAW
15 CIVIL INFRACTION THE WRITTEN CITATION REQUIRED UNDER SUBSECTION
16 (1).

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

23 (6) A CHIEF OFFICER OF A DEPARTMENT OR AGENCY OR THAT
24 PERSON'S AUTHORIZED AGENT SHALL DELIVER A CERTIFICATE OR MONEY
25 RECEIVED UNDER THIS SECTION TO THE COURT IN THE SAME MANNER AS
26 PRESCRIBED FOR CITATIONS IN SECTION 193B. THAT PERSON'S FAILURE

1 TO DELIVER A CERTIFICATE OR DEPOSIT OF MONEY IN COMPLIANCE WITH
2 THIS SECTION IS EMBEZZLEMENT OF PUBLIC MONEY.

3 (7) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS
4 TO APPEAR AS REQUIRED IN THE CITATION OR FOR A SCHEDULED FORMAL
5 HEARING, THE COURT HAVING JURISDICTION AND VENUE OVER THE MARINE
6 LAW CIVIL INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT
7 PERSON, AND THAT PERSON SHALL FORFEIT THE GUARANTEED APPEARANCE
8 CERTIFICATE OR MONEY DEPOSITED. THE COURT SHALL APPLY MONEY FOR-
9 FEITED UNDER THIS SECTION TO ANY CIVIL FINE OR COSTS ORDERED PUR-
10 SUANT TO SECTION 195.

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

20 SEC. 195. (1) A MARINE LAW VIOLATION THAT IS DESIGNATED A
21 MARINE LAW CIVIL INFRACTION IS NOT A LESSER INCLUDED OFFENSE OF A
22 CRIMINAL OFFENSE.

23 (2) IF A PERSON IS FOUND TO BE RESPONSIBLE OR RESPONSIBLE
24 "WITH EXPLANATION" FOR A MARINE LAW CIVIL INFRACTION, A COURT MAY
25 ORDER THE PERSON TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00 AND
26 COSTS AS PROVIDED IN SUBSECTION (3). A CIVIL FINE OR COSTS
27 IMPOSED FOR A MARINE LAW CIVIL INFRACTION ARE PAYABLE IMMEDIATELY

1 UPON ENTRY OF JUDGMENT, UNLESS A COURT EXPRESSLY INCLUDES IN THE
2 JUDGMENT A PROVISION FOR THE PERSON TO PAY A CIVIL FINE, COSTS,
3 OR BOTH, WITHIN A SPECIFIED PERIOD OF TIME OR IN SPECIFIED
4 INSTALLMENTS.

5 (3) IF A CIVIL FINE IS ORDERED TO BE PAID UNDER
6 SUBSECTION (2), THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL
7 ASSESS AGAINST THE PERSON FINED THOSE COSTS, INCLUDING DIRECT AND
8 INDIRECT COSTS OF UP TO \$100.00, THAT THE PROSECUTION HAS
9 INCURRED IN PROSECUTING THAT PERSON. COSTS OF NOT LESS THAN
10 \$5.00 SHALL BE ORDERED. EXCEPT AS OTHERWISE PROVIDED BY LAW, A
11 COURT SHALL DEPOSIT THE PROCEEDS OF COSTS RECEIVED UNDER THIS
12 SECTION INTO THE GENERAL FUND OF THE ENTITY ACTING AS PLAINTIFF.

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

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

21 (6) A COURT MAY ESTABLISH A SCHEDULE OF ALL OR SOME OF THE
22 CIVIL FINES AND COSTS AUTHORIZED TO BE IMPOSED FOR MARINE LAW
23 CIVIL INFRACTIONS OCCURRING WITHIN ITS JURISDICTION. A SCHEDULE
24 MAY EXCLUDE FEES AND COSTS AUTHORIZED TO BE IMPOSED AGAINST A
25 PERSON PREVIOUSLY FOUND RESPONSIBLE FOR A MARINE LAW VIOLATION.
26 IF A COURT ESTABLISHES A SCHEDULE, IT SHALL PROMINENTLY POST THE

1 SCHEDULE AND MAKE THAT SCHEDULE READILY AVAILABLE FOR PUBLIC
2 INSPECTION.

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

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

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

22 (10) IF A PERSON RECEIVES A CITATION FOR A VIOLATION OF SEC-
23 TION 33(9), THE COURT SHALL WAIVE ANY FINE AND COSTS, UPON
24 RECEIPT OF CERTIFICATION BY A LAW ENFORCEMENT AGENCY THAT THE
25 PERSON, BEFORE THE APPEARANCE DATE ON THE CITATION, PRODUCED A
26 CERTIFICATE OF NUMBER THAT WAS VALID ON THE DATE THE VIOLATION OF
27 SECTION 33(9) OCCURRED.

1 SEC. 195A. (1) A COURT MAY ADD TO A FINE AND COSTS LEVIED
2 AGAINST A PERSON THOSE ADDITIONAL COSTS INCURRED BY THE GOVERN-
3 MENTAL ENTITY IN COMPELLING THE APPEARANCE OF THAT PERSON. A
4 COURT SHALL DEPOSIT THE PROCEEDS OF ADDITIONAL COSTS IMPOSED
5 UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE GOVERNMENTAL
6 ENTITY INCURRING THOSE COSTS.

7 (2) A COURT MAY ADD TO A FINE AND COSTS LEVIED AGAINST A
8 PERSON A FEE OF NOT MORE THAN \$25.00 TO DEFRAY THE MARINE SAFETY
9 PEACE OFFICER TRAINING COSTS INCURRED BY POLITICAL SUBDIVISIONS.
10 THE COURT SHALL DEPOSIT MONEY COLLECTED UNDER THIS SUBSECTION
11 WITH THE STATE TREASURER, WHO SHALL DEPOSIT THE MONEY IN THE FUND
12 CREATED UNDER SECTION 195E.

13 SEC. 195B. A PERSON WHO FAILS TO ANSWER A CITATION OR
14 NOTICE TO APPEAR IN COURT FOR EITHER A MARINE LAW VIOLATION OR A
15 JUDICIAL PROCEEDING PENDING UNDER THIS ACT, OR A PERSON WHO FAILS
16 TO COMPLY WITH AN ORDER OR JUDGMENT ISSUED PURSUANT TO SECTION
17 195, IS GUILTY OF A MISDEMEANOR.

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

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

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

25 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A
26 CIVIL FINE OR COSTS, THE PERSON AUTHORIZED BY THAT CORPORATION OR
27 ASSOCIATION TO MAKE DISBURSEMENT SHALL PAY THE FINE OR COSTS, AND

1 THAT PERSON'S FAILURE TO TENDER PAYMENT IS CIVIL CONTEMPT UNLESS
2 HE OR SHE MAKES THE SHOWING REQUIRED IN THIS SECTION.

3 (3) UNLESS A PERSON DEMONSTRATES TO A COURT'S SATISFACTION
4 THAT THE DEFAULT WAS NOT ATTRIBUTABLE TO AN INTENTIONAL REFUSAL
5 TO OBEY THE ORDER OF THE COURT OR TO THAT PERSON'S FAILURE TO
6 MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAY-
7 MENT, THE COURT SHALL FIND THAT THE DEFAULT CONSTITUTES A CIVIL
8 CONTEMPT AND MAY ORDER THAT PERSON IMPRISONED UNTIL THE CIVIL
9 FINE, COSTS, OR BOTH, OR A SPECIFIED PART IS PAID.

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

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

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

15 (C) REVOKES THE FINE OR COSTS OR THE UNPAID PORTION IN WHOLE
16 OR IN PART.

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

23 (6) A PERSON IMPRISONED FOR CIVIL CONTEMPT FOR NONPAYMENT OF
24 A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED FROM CUSTODY UNTIL
25 1 OF THE FOLLOWING OCCURS:

26 (A) THAT PERSON HAS BEEN CREDITED WITH THE AMOUNT DUE
27 PURSUANT TO SUBSECTION (5).

1 (B) THE AMOUNT DUE HAS ACTUALLY BEEN COLLECTED THROUGH
2 EXECUTION OF PROCESS OR OTHERWISE.

3 (C) THE AMOUNT DUE HAS BEEN SATISFIED PURSUANT TO A COMBINA-
4 TION OF SUBDIVISIONS (A) AND (B).

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

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

14 (2) SUBSECTION (1) IS INTENDED TO MAINTAIN A SOURCE OF REVE-
15 NUE FOR PUBLIC LIBRARIES THAT PREVIOUSLY RECEIVED PENAL FINES FOR
16 THOSE MISDEMEANOR VIOLATIONS OF THIS ACT THAT ARE NOW MARINE LAW
17 CIVIL INFRACTIONS.

18 SEC. 195E. THE POLITICAL SUBDIVISION MARINE SAFETY PEACE
19 OFFICER TRAINING FUND IS CREATED WITHIN THE STATE TREASURY AND
20 SHALL BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES LAW
21 ENFORCEMENT DIVISION. THE FUND MAY RECEIVE MONEY APPROPRIATED BY
22 THE STATE LEGISLATURE, AND ADDITIONALLY SHALL RECEIVE MONEY COL-
23 LECTED UNDER SECTION 195A(2), TO PROVIDE FOR THE TRAINING OF
24 MARINE SAFETY PEACE OFFICERS EMPLOYED BY POLITICAL SUBDIVISIONS.

25 Section 2. Section 4a of chapter 1 of the Revised Statutes
26 of 1846, being section 8.4a of the Michigan Compiled Laws,
27 applies to a violation of the marine safety act, Act No. 303 of

1 the Public Acts of 1967, being sections 281.1001 to 281.1199 of
2 the Michigan Compiled Laws, and to a violation of a local ordi-
3 nance substantially corresponding to that act, if the violation
4 occurred before the effective date of this amendatory act and the
5 violation would otherwise be designated a civil infraction upon
6 the effective date of this amendatory act.

7 Section 3. Section 27 of Act No. 303 of the Public Acts of
8 1967, being section 281.1027 of the Michigan Compiled Laws, is
9 repealed.

10 Section 4. This amendatory act shall take effect April 1,
11 1995.

12 Section 5. This amendatory act shall not take effect unless
13 all of the following bills of the 88th Legislature are enacted
14 into law:

15 (a) Senate Bill No. _____ or House Bill No. 4506 (request
16 no. 01096'95).

17 (b) Senate Bill No. _____ or House Bill No. 4505 (request
18 no. 01096'95 a).