



HOUSE BILL No. 5050

September 19, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 80104 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 58 of the Public Acts of 1995, being section 324.80104 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 80104 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 58 of the Public Acts of 1995, being
3 section 324.80104 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 80104. As used in this part:

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

8 (i) The owner or his or her representative.

1 (ii) The operator.

2 (b) "Peace officer" means any of the following:

3 (i) A sheriff.

4 (ii) A sheriff's deputy.

5 (iii) A deputy who is authorized by a sheriff to enforce
6 this part and who has satisfactorily completed at least 40 hours
7 of law enforcement training, including training specific to this
8 part.

9 (iv) A village or township marshal.

10 (v) An officer of the police department of any
11 municipality.

12 (vi) An officer of the Michigan state police.

13 (vii) The director and conservation officers employed by the
14 department.

15 (viii) AN OFFICER OF THE UNITED STATES COAST GUARD OR UNITED
16 STATES COAST GUARD RESERVE AUTHORIZED UNDER FEDERAL LAW TO MAKE
17 ARRESTS.

18 (c) "Personal watercraft" means a vessel that meets all of
19 the following requirements:

20 (i) Uses a motor-driven propeller or an internal combustion
21 engine powering a water jet pump as its primary source of
22 propulsion.

23 (ii) Is designed without an open load carrying area that
24 would retain water.

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

1 (d) "Political subdivision" means any county, metropolitan
2 authority, municipality, or combination of those entities in this
3 state. Whenever a body of water is located in more than 1 polit-
4 ical subdivision, all of the subdivisions shall act individually
5 in order to comply with this part, except that if the problem is
6 confined to a specific area of the body of water, only the polit-
7 ical subdivision in which the problem waters lie shall act.

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

10 (f) "Probate court disposition" means the entry of a probate
11 court order of disposition for a child found to be within the
12 provisions of chapter XIIIA of Act No. 288 of the Public Acts of
13 1939, being sections 712A.1 to 712A.31 of the Michigan Compiled
14 Laws.

15 (g) "Prosecuting attorney", except as the context requires
16 otherwise, means the attorney general, the prosecuting attorney
17 of a county, or the attorney representing a political subdivision
18 of government.

19 (h) "Regatta", "boat race", "marine parade", "tournament",
20 or "exhibition" means an organized water event of limited dura-
21 tion that is conducted according to a prearranged schedule.

22 (i) "Slow--no wake speed" means a very slow speed whereby
23 the wake or wash created by the vessel would be minimal.

24 (j) "Starboard" means right, and reference is to the star-
25 board side of a vessel or to the right side of the vessel.

26 (k) "State aid" means payment made by the state to a county
27 for the conduct of a marine safety program.

1 (l) "Undocumented vessel" means a vessel that does not have,
2 and is not required to have, a valid marine document issued by
3 the United States coast guard or federal agency successor to the
4 United States coast guard.

5 (m) "Uniform inspection decal" means an adhesive-backed
6 sticker created by the department pursuant to section 80166 that
7 is color-coded to indicate the year that it expires and is
8 attached to a vessel in the manner prescribed for decals in sec-
9 tion 80122 when a peace officer inspects and determines that the
10 vessel complies with this part.

11 (n) "Use" means operate, navigate, or employ.

12 (o) "Vessel" means every description of watercraft used or
13 capable of being used as a means of transportation on water.

14 (p) "Waters of this state" means any waters within the ter-
15 ritorial limits of this state, and includes those waters of the
16 Great Lakes that are under the jurisdiction of this state.