



SENATE BILL No. 645

September 13, 1995, Introduced by Senator CARL and referred to the Committee on Transportation and Tourism.

A bill to amend sections 80124 and 80143 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 sections 324.80124 and 324.80143 of the Michigan Compiled Laws; and to add sections 80124a, 80143a, 80143b, 80143c, and 80143d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 80124 and 80143 of Act No. 451 of the
2 Public Acts of 1994, as added by Act No. 58 of the Public Acts of
3 1995, being sections 324.80124 and 324.80143 of the Michigan
4 Compiled Laws, are amended and sections 80124a, 80143a, 80143b,
5 80143c, and 80143d are added to read as follows:

6 Sec. 80124. (1) Except as otherwise provided in this
7 section, the owner of a vessel required to be numbered and to
8 display a decal shall file an application for a certificate of

1 number with the secretary of state. The secretary of state shall
2 prescribe and furnish certificate of title application forms. If
3 a vessel requiring a certificate of title under part 803 is sold
4 by a dealer, that dealer shall combine the application for a cer-
5 tificate of number that is signed by the vessel owner with the
6 application for a certificate of title. The dealer shall obtain
7 the certificate of number in the name of the owner. The owner of
8 the vessel shall sign the application. A person shall not file
9 an application for a certificate of number that contains false
10 information. A dealer who fails to submit an application as
11 required by this section is guilty of a misdemeanor, punishable
12 by imprisonment for not more than 90 days, or a fine of not more
13 than \$100.00, or both.

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

19 (3) A dealer may issue a 15-day permit, on a form prescribed
20 by the secretary of state, for the use of a vessel purchased in
21 this state and delivered to the purchaser for removal to a place
22 outside of this state, if the purchaser certifies by his or her
23 signature that the vessel will be registered and primarily used
24 and stored outside of this state and will not be returned to this
25 state by the purchaser for use or storage. A certificate of
26 number shall not be issued for a vessel holding a permit under
27 this subsection.

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

3 (5) A person shall operate or permit the operation of a
4 vessel for which a 15-day temporary permit has been issued under
5 this section only if the temporary permit is valid and displayed
6 on the vessel as prescribed by rule promulgated by the department
7 under this part.

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

10	(a) A 15-day temporary permit issued under subsec-	
11	tion (3).....	\$ 10.00
12	(b) Nonpowered vessels, other than non-	
13	motorized canoes or kayaks, except as pro-	
14	vided in section 80123.....	9.00
15	(c) Nonmotorized canoes or kayaks except	
16	as provided in section 80123.....	5.00
17	(d) Motorboats less than 12 feet in	
18	length.....	14.00
19	(E) PERSONAL WATERCRAFT.....	28.00
20	(F) (e) Motorboats 12 feet or over but	
21	less than 16 feet in length.....	17.00
22	(G) (f) Motorboats 16 feet or over but	
23	less than 21 feet in length.....	42.00
24	(H) (g) Motorboats 21 feet or over but	
25	less than 28 feet in length.....	115.00
26	(I) (h) Motorboats 28 feet or over but	
27	less than 35 feet in length.....	168.00

1	(J) (i) Motorboats 35 feet or over but	
2	less than 42 feet in length.....	244.00
3	(K) (j) Motorboats 42 feet or over but	
4	less than 50 feet in length.....	280.00
5	(L) (k) Motorboats 50 feet in length	
6	or over.....	448.00
7	(M) (l) Pontoon vessels regardless of	
8	size.....	23.00
9	(N) (m) Motorized canoes regardless of	
10	size.....	14.00
11	(O) (n) Vessels licensed under	
12	part 473.....	15.00
13	(P) (o) Vessels carrying passengers	
14	for hire that are in compliance with	
15	part 445, or under federal law; and vessels	
16	carrying passengers and freight or freight	
17	only and owned within this state or hailing	
18	from a port within this state.....	45.00
19	(7) The length of a vessel is the distance from end to end	
20	over the deck, excluding the longitudinal upward or downward	
21	curve of the deck, fore and aft. A pontoon boat shall be mea-	
22	sured by the length of its deck, fore and aft.	
23	(8) Payment of the fee specified in this section exempts the	
24	vessel from the tax imposed by the general property tax act, Act	
25	No. 206 of the Public Acts of 1893, being sections 211.1 to	
26	211.157 of the Michigan Compiled Laws.	

1 (9) Upon receipt of an initial application for a certificate
2 of number in approved form and payment of the required fee, the
3 secretary of state shall enter the information upon the official
4 records and issue to the applicant a certificate of number con-
5 taining the number awarded to the vessel, the name and address of
6 the owner, and other information that the secretary of state
7 determines necessary. The secretary of state shall issue a cer-
8 tificate of number that is pocket size and legible. Except as
9 provided in subsection (13), a person operating a vessel shall
10 present that vessel's certificate of number to a peace officer
11 upon the peace officer's request.

12 (10) If a check or draft payable to the secretary of state
13 under this part is not paid on its first presentation, the fee or
14 tax is delinquent as of the date the draft or check was
15 tendered. The person tendering the check or draft remains liable
16 for the payment of each fee or tax and a penalty.

17 (11) Upon determining that a fee or tax required by this
18 part has not been paid and remains unpaid after reasonable notice
19 and demand, the secretary of state may suspend a certificate of
20 number.

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

1 (13) The owner or authorized agent of the owner of a vessel
2 less than 26 feet in length that is leased or rented to a person
3 for noncommercial use for not more than 24 hours may retain, at
4 the place from which the vessel departs or returns to the posses-
5 sion of the owner or the owner's representative, the certificate
6 of number for that vessel if a copy of the lease or rental agree-
7 ment is on the vessel. Upon the demand of a peace officer, the
8 operator shall produce for inspection either the certificate of
9 number or a copy of the lease or rental agreement for that
10 vessel. The lease or rental agreement shall contain each of the
11 following:

12 (a) The vessel number that appears on the certificate of
13 number.

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

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

18 (d) The signature of the person leasing or renting the
19 vessel.

20 (14) Upon receipt of a certificate of number for a vessel,
21 the owner of that vessel shall paint on or attach in a permanent
22 manner to each side of the forward half of the vessel the number
23 identified in the certificate of number, in the manner prescribed
24 by rules promulgated by the department. The secretary of state
25 shall assign to the owner of vessels for rent or lease a block of
26 numbers sufficient to number consecutively all of that owner's
27 rental or lease vessels. The owner shall maintain the numbers in

1 a legible condition. A vessel documented by the United States
2 coast guard or a federal agency that is the successor to the
3 United States coast guard is not required to display numbers
4 under this part but shall display a decal indicating payment of
5 the fee prescribed in subsection (6), and shall otherwise be in
6 compliance with this part. This subsection does not apply to a
7 nonpowered vessel 12 feet or less in length.

8 (15) Upon receipt of an application for a certificate of
9 number in an approved form and payment of the fee required by
10 this part, the secretary of state shall issue a decal that is
11 color-coded and dated to identify the year of its expiration, and
12 that indicates that the vessel is numbered in compliance with
13 this part. The department shall promulgate a rule or rules to
14 establish the manner in which the decal is to be displayed.

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

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

25 (18) The numbering system adopted pursuant to this part
26 shall be in accordance with the standard system of numbering

1 established by the secretary of the department in which the
2 United States coast guard operates.

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

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

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

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

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

25 (22) Upon application to the secretary of state, the owner
26 of a nonmotorized canoe or kayak who registered that vessel under
27 former Act No. 303 of the Public Acts of 1967 between January 1,

1 1989 and April 17, 1990 shall receive a refund of a portion of
2 the registration fee equal to the difference in the amount that
3 owner paid and the fee amount provided in subsection (6)(c).

4 (23) The secretary of state shall refund to the owner of a
5 vessel registered under this part or former Act No. 303 of the
6 Public Acts of 1967 all of the registration fee paid for that
7 vessel pursuant to this section or section 33 of former Act
8 No. 303 of the Public Acts of 1967 if all of the following condi-
9 tions are met during the period for which the registration fee
10 was paid:

11 (a) The owner transfers or assigns title or interest in the
12 registered vessel before placing the decal issued under
13 subsection (15) on the vessel.

14 (b) The owner surrenders the unused decal to the secretary
15 of state within 30 days after the date of transfer or
16 assignment.

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

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

1 SEC. 80124A. THE INCREASE IN THE FEE PAID BY AN APPLICANT
2 FOR A PERSONAL WATERCRAFT UNDER SECTION 80124 THAT RESULTS FROM
3 THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL BE DISTRIBUTED
4 AS FOLLOWS:

5 (A) FIFTY PERCENT OF THE TOTAL INCREASE IN FEES SHALL BE
6 DISTRIBUTED TO THE DEPARTMENT OF NATURAL RESOURCES FOR EDUCATION
7 ON AND ENFORCEMENT OF PERSONAL WATERCRAFT SAFETY LAWS.

8 (B) FIFTY PERCENT OF THE TOTAL INCREASE IN FEES SHALL BE
9 DISTRIBUTED TO COUNTY SHERIFF'S DEPARTMENTS FOR ENFORCEMENT OF
10 PERSONAL WATERCRAFT SAFETY LAWS.

11 Sec. 80143. (1) A person shall not operate a personal
12 watercraft on the waters of ~~the~~ THIS state unless each person
13 riding on or being towed behind the vessel is wearing a type I,
14 type II, or type III personal flotation device as described in
15 R 281.1234 of the Michigan administrative code.

16 (2) While operating a personal watercraft equipped by the
17 manufacturer with a lanyard-type engine cutoff switch on the
18 waters of ~~the~~ THIS state, a person shall have the lanyard
19 attached to his or her person, clothing, or personal flotation
20 device as is appropriate for the specific vessel.

21 (3) A person shall not operate a personal watercraft on the
22 waters of ~~the~~ THIS state ~~between the hours from~~ DURING THE
23 PERIOD THAT BEGINS 1/2 HOUR BEFORE sunset ~~to~~ AND ENDS 1/2 HOUR
24 AFTER sunrise. AS USED IN THIS SUBSECTION, "SUNSET" AND
25 "SUNRISE" MEAN THOSE TIMES AS DETERMINED BY THE NATIONAL WEATHER
26 SERVICE.

1 (4) A PERSON SHALL OPERATE A personal watercraft ~~shall at~~
2 ~~all times be operated~~ in a reasonable and prudent manner.
3 Maneuvers that unreasonably or unnecessarily endanger life, limb,
4 or property, including, but not limited to, weaving through con-
5 gested vessel traffic, jumping the wake of another vessel unrea-
6 sonably or unnecessarily close to the other vessel or when visi-
7 bility around the other vessel is obstructed, and swerving at the
8 last possible moment to avoid a collision, constitute reckless
9 operation of a vessel, as provided in section 80147.

10 (5) A person shall not operate a personal watercraft on the
11 waters of ~~the~~ THIS state carrying more persons than the vessel
12 is designed to carry. ~~Carrying more persons than the vessel is~~
13 ~~designed to carry~~

14 (6) A VIOLATION OF SUBSECTION (5) is prima facie evidence of
15 reckless operation of a watercraft under section 80147.

16 (7) ~~(6) A~~ EXCEPT WHEN TRAVELING AT SLOW--NO WAKE SPEED TO
17 MAINTAIN CONTROL OF A PERSONAL WATERCRAFT, A person operating a
18 personal watercraft on the waters of ~~the~~ THIS state shall main-
19 tain a distance of AT LEAST 100 feet from ~~any~~ ALL OF THE
20 FOLLOWING:

21 (A) A SHORELINE OF A LAKE, RIVER, OR CONFINED CHANNEL WHEN
22 MEASURED AT A VERTICAL DISTANCE.

23 (B) A VESSEL ANCHORED OR MOORED BY A PERSON.

24 (C) A dock, raft, or buoyed or occupied bathing area. ~~or~~

25 (8) A PERSON OPERATING A PERSONAL WATERCRAFT ON THE WATERS
26 OF THIS STATE shall not cross within 150 feet behind another

1 vessel, other than a personal watercraft, that is traveling at a
2 speed greater than slow--no wake speed.

3 (9) ~~(7)~~ A person under the age of 12 shall not operate a
4 personal watercraft on the waters of ~~the~~ THIS state. A person
5 12 through 15 years of age may operate a personal watercraft on
6 the waters of ~~the~~ THIS state only when accompanied by a person
7 16 years of age or older or without adult supervision when in
8 possession of a boating safety certificate in compliance with
9 section 80141.

10 (10) A PERSON 12 THROUGH 15 YEARS OF AGE OPERATING A MOTOR-
11 BOAT PURSUANT TO SUBSECTION (9) SHALL PRESENT THE BOATING SAFETY
12 CERTIFICATE ISSUED TO HIM OR HER UPON THE DEMAND OF A PEACE
13 OFFICER.

14 (11) ~~(8)~~ The owner of a personal watercraft or a person
15 having charge over or control of a personal watercraft shall not
16 authorize or knowingly permit the personal watercraft to be oper-
17 ated in violation of subsection ~~(7)~~ (9).

18 (12) ~~(9)~~ This section does not apply to a performer
19 engaged in a professional exhibition or a person preparing to
20 participate or participating in a regatta, race, marine parade,
21 tournament, or exhibition held in compliance with this part.

22 SEC. 80143A. (1) A DEALER OF NEW OR USED PERSONAL WATER-
23 CRAFT SHALL OFFER TO EACH BUYER OF A PERSONAL WATERCRAFT A BRIEF
24 BOATING SAFETY PRESENTATION CONSISTING OF ALL OF THE FOLLOWING:

25 (A) THE OWNER'S LIABILITY UNDER SECTION 80157.

26 (B) A SUMMARY OF THE MARINE SAFETY LAWS THAT PERTAIN
27 EXCLUSIVELY TO PERSONAL WATERCRAFT CONTAINED IN A DOCUMENT THAT

1 IS PREPARED BY THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO
2 SECTION 80143B.

3 (C) A SUMMARY OF THE SAFETY FEATURES OF THE PERSONAL WATER-
4 CRAFT DEVELOPED BY THE DEPARTMENT OF NATURAL RESOURCES PURSUANT
5 TO SECTION 80143B.

6 (D) A SUMMARY OF AVAILABLE BOATING SAFETY EDUCATION
7 OPPORTUNITIES.

8 (2) THE INFORMATION IN SUBSECTION (1) MAY BE PRESENTED IN
9 ANY OF THE FOLLOWING FORMATS:

10 (A) VIDEO.

11 (B) WRITTEN MATERIAL.

12 (C) COMPUTER PROGRAM.

13 (3) THE DEALER SHALL PREPARE A FORM TO BE SIGNED BY THE PUR-
14 CHASER THAT INDICATES EITHER THAT THE PURCHASER RECEIVED THE
15 INFORMATION REQUIRED IN SUBSECTION (1) OR THAT THE PURCHASER
16 REFUSED TO RECEIVE THE INFORMATION REQUIRED IN SUBSECTION (1).
17 THE DEALER SHALL KEEP A COPY OF THIS FORM IN HIS OR HER FILES FOR
18 3 YEARS.

19 (4) IF THE PURCHASER REFUSES TO RECEIVE THE INFORMATION
20 OFFERED BY THE DEALER IN SUBSECTION (1), THE DEALER SHALL NOT
21 ISSUE A TITLE, REGISTRATION, MANUFACTURER'S STATEMENT OF ORIGIN,
22 OR A 15-DAY TEMPORARY PERMIT UNDER SECTION 80124 TO THE
23 PURCHASER.

24 (5) THIS SECTION DOES NOT APPLY TO SALES OF PERSONAL WATER-
25 CRAFT BETWEEN INDIVIDUALS.

26 (6) A PURCHASER WHO PRESENTS TO THE DEALER A VALID
27 CERTIFICATE OF SUCCESSFUL COMPLETION OF THE DEPARTMENT OF NATURAL

1 RESOURCES INTRODUCTION TO PERSONAL WATERCRAFT EDUCATION CLASS IS
2 EXEMPT FROM COMPLYING WITH THIS SECTION.

3 SEC. 80143B. THE DEPARTMENT OF NATURAL RESOURCES SHALL
4 CREATE AND MAKE AVAILABLE TO DEALERS OF PERSONAL WATERCRAFT BOTH
5 OF THE FOLLOWING:

6 (A) A DOCUMENT THAT SUMMARIZES THE MARINE SAFETY LAWS THAT
7 PERTAIN EXCLUSIVELY TO PERSONAL WATERCRAFT.

8 (B) A DOCUMENT THAT SUMMARIZES THE SAFETY FEATURES OF PER-
9 SONAL WATERCRAFT. THIS DOCUMENT MAY BE A GENERIC DOCUMENT AND
10 SHALL NOT REPRESENT THE SAFETY FEATURES OF A PARTICULAR STYLE OR
11 BRAND OF PERSONAL WATERCRAFT.

12 SEC. 80143C. IF A PERSONAL WATERCRAFT DEALER FAILS TO
13 COMPLY WITH SECTION 80143A, HE OR SHE IS RESPONSIBLE FOR A STATE
14 CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$250.00 FOR THE
15 FIRST OFFENSE, \$500.00 FOR A SECOND OFFENSE, AND \$1,000.00 FOR
16 EACH SUBSEQUENT OFFENSE.

17 SEC. 80143D. EVIDENCE THAT A PERSONAL WATERCRAFT DEALER
18 COMPLIES WITH SECTION 80143A IS NOT ADMISSIBLE IN AN ACTION
19 ALLEGING DAMAGES THAT RESULT FROM THE USE OR MISUSE OF A PERSONAL
20 WATERCRAFT.