

SENATE BILL No. 299

March 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80101, 80102, 80104, 80113, 80124, 80125,
80131, 80142, 80144, 80146, 80150, 80152, 80154, 80159, 80166,
80167, 80168, 80169, 80170, 80171, 80176, 80180, 80198a, and
80198b (MCL 324.80101, 324.80102, 324.80104, 324.80113,
324.80124, 324.80125, 324.80131, 324.80142, 324.80144, 324.80146,
324.80150, 324.80152, 324.80154, 324.80159, 324.80166, 324.80167,
324.80168, 324.80169, 324.80170, 324.80171, 324.80176, 324.80180,
324.80198a, and 324.80198b), sections 80101, 80102, 80124, 80125,
80131, 80144, 80146, 80150, 80154, 80159, 80166, 80167, 80168,
80169, 80170, 80171, 80198a, and 80198b as added by 1995 PA 58,
section 80104 as amended by 1997 PA 102, section 80113 as amended
by 2000 PA 215, sections 80142, 80176, and 80180 as amended by
1996 PA 174, and section 80152 as amended by 1999 PA 19, and by

01755'01

KDD

adding sections 80168a, 80193a, 80199a, 80199b, 80199c, 80199d, 80199e, 80199f, 80199g, and 80199h; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 80101. As used in this part:
- 2 (a) "Anchored rafts" means all types of nonpowered rafts
3 used for recreational purposes that are anchored seasonally on
4 waters of this state.
- 5 (b) "Associated equipment" means any of the following that
6 are not radio equipment:
- 7 (i) An original system, part, or component of a boat at the
8 time that boat was manufactured, or a similar part or component
9 manufactured or sold for replacement.
- 10 (ii) Repair or improvement of an original or replacement
11 system, part, or component.
- 12 (iii) An accessory or equipment for, or appurtenance to, a
13 boat.
- 14 (iv) A marine safety article, accessory, or equipment
15 intended for use by a person on board a boat.
- 16 (c) "Boat" means a vessel.
- 17 (d) "Boat livery" means a business that holds a vessel for
18 renting, leasing, or chartering.
- 19 (E) "CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE TO APPEAR
20 IN COURT UPON WHICH A PEACE OFFICER RECORDS THE OCCURRENCE OR
21 EXISTENCE OF 1 OR MORE MARINE LAW VIOLATIONS BY THE PERSON CITED.

1 (F) "CIVIL INFRACTION DETERMINATION" MEANS THAT TERM AS
2 DEFINED IN SECTION 8801 OF THE REVISED JUDICATURE ACT OF 1961,
3 1961 PA 236, MCL 600.8801.

4 (G) ~~(e)~~ "Controlled substance" means that term as defined
5 in section 7104 of the public health code, ~~Act No. 368 of the~~
6 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~
7 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

8 (H) ~~(f)~~ "Conviction" means a final conviction, the payment
9 of a fine, a plea of guilty or nolo contendere if accepted by the
10 court, a finding of guilt, or a probate court disposition on a
11 violation of this part, regardless of whether the penalty is
12 rebated or suspended.

13 Sec. 80102. As used in this part:

14 (a) "Dealer" means a person and an authorized representative
15 of that person who annually purchases from a manufacturer, or who
16 is engaged in selling or manufacturing, 6 or more vessels that
17 require certificates of number under this part.

18 (b) "Identification document" means any of the following:

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

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

23 (iii) An official identification card issued by an agency,
24 department, or bureau of the United States, this state, or
25 another state.

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

1 (C) "GUARANTEED APPEARANCE CERTIFICATE" MEANS A CARD OR
2 CERTIFICATE CONTAINING A PRINTED STATEMENT THAT A SURETY COMPANY
3 AUTHORIZED TO DO BUSINESS IN THIS STATE GUARANTEES THE APPEARANCE
4 OF THE PERSON WHOSE SIGNATURE APPEARS ON THE CARD OR CERTIFICATE,
5 AND THAT IF THE PERSON FAILS TO APPEAR IN COURT AT THE TIME OF
6 TRIAL OR SENTENCING OR OF A SCHEDULED INFORMAL OR FORMAL HEARING
7 OR TO PAY ANY FINE OR COSTS IMPOSED, THE COMPANY WILL PAY ANY
8 FINE, COSTS, OR BOND FORFEITURE IMPOSED ON THE PERSON IN A TOTAL
9 AMOUNT NOT TO EXCEED \$200.00.

10 (D) ~~(c)~~ "Issuing authority" means the United States coast
11 guard or a state that has a numbering system approved by the
12 United States coast guard.

13 (E) "JUDICIAL DISTRICT" MEANS THAT TERM AS DEFINED IN SEC-
14 TION 1 OF CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927
15 PA 175, MCL 761.1.

16 (F) ~~(d)~~ "Law of another state" means a law or ordinance
17 enacted by another state or by a local unit of government in
18 another state.

19 (G) ~~(e)~~ "Lifeboat" means a small boat designated and used
20 solely for lifesaving purposes, and does not include a dinghy,
21 tender, speedboat, or other type of craft that is not carried
22 aboard a vessel for lifesaving purposes.

23 ~~(f) "Long-term incapacitating injury" means an injury that~~
24 ~~causes serious impairment of a body function.~~

25 Sec. 80104. As used in this part:

1 (a) "Highly restricted personal information" means an
2 individual's photograph or image, social security number,
3 digitized signature, and medical and disability information.

4 (b) "Passenger" means a person carried on board a vessel
5 other than any of the following:

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

7 (ii) The operator.

8 (c) "Peace officer" means any of the following:

9 (i) A sheriff.

10 (ii) A sheriff's deputy.

11 (iii) A deputy who is authorized by a sheriff to enforce
12 this part and who has satisfactorily completed at least 40 hours
13 of law enforcement training, including training specific to this
14 part.

15 (iv) A village or township marshal.

16 (v) An officer of the police department of any
17 municipality.

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

19 (vii) The director and conservation officers employed by the
20 department.

21 (d) "Personal information" means information that identifies
22 an individual, including an individual's driver identification
23 number, name, address not including zip code, and telephone
24 number, but does not include information on watercraft operation
25 and equipment-related violations or civil infractions, operator
26 or vehicle registration status, accidents, or other
27 behaviorally-related information.

1 (e) "Personal watercraft" means a vessel that meets all of
2 the following requirements:

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

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

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

10 (f) "Political subdivision" means any county, metropolitan
11 authority, municipality, or combination of those entities in this
12 state. Whenever a body of water is located in more than 1 polit-
13 ical subdivision, all of the subdivisions shall act individually
14 in order to comply with this part, except that if the problem is
15 confined to a specific area of the body of water, only the polit-
16 ical subdivision in which the problem waters lie shall act.

17 (g) "Port" means left, and reference is to the port side of
18 a vessel or to the left side of the vessel.

19 (h) "Probate court or family division disposition" means the
20 entry of a probate court order of disposition or family division
21 order of disposition for a child found to be within the provi-
22 sions of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
23 MCL ~~712a.1 to 712a.32~~ 712A.1 TO 712A.32.

24 (i) "Prosecuting attorney", except as the context requires
25 otherwise, means the attorney general, the prosecuting attorney
26 of a county, or the attorney representing a political subdivision
27 of government.

1 (j) "Regatta", "boat race", "marine parade", "tournament",
2 or "exhibition" means an organized water event of limited dura-
3 tion that is conducted according to a prearranged schedule.

4 (k) "Slow--no wake speed" means a very slow speed whereby
5 the wake or wash created by the vessel would be minimal.

6 (l) "Starboard" means right, and reference is to the star-
7 board side of a vessel or to the right side of the vessel.

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

10 (N) "STATE CIVIL INFRACTION" MEANS THAT TERM AS DEFINED IN
11 SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
12 MCL 600.113.

13 (O) ~~-(n)-~~ "Undocumented vessel" means a vessel that does not
14 have, and is not required to have, a valid marine document issued
15 by the United States coast guard or federal agency successor to
16 the United States coast guard.

17 (P) ~~-(o)-~~ "Uniform inspection decal" means an
18 adhesive-backed sticker created by the department ~~pursuant to~~
19 UNDER section 80166 that is color-coded to indicate the year that
20 it expires and is attached to a vessel in the manner prescribed
21 for decals in section 80122 when a peace officer inspects and
22 determines that the vessel complies with this part.

23 (Q) ~~-(p)-~~ "Use" means operate, navigate, or employ.

24 (R) ~~-(q)-~~ "Vessel" means every description of watercraft
25 used or capable of being used as a means of transportation on
26 water.

1 (S) ~~(r)~~ "Waters of this state" means any waters within the
2 territorial limits of this state, and includes those waters of
3 the Great Lakes that are under the jurisdiction of this state.

4 Sec. 80113. (1) State, county, and local peace officers
5 shall enforce local ordinances enacted in accordance with this
6 part.

7 (2) All rules establishing special local watercraft controls
8 promulgated under former 1967 PA 303 before March 17, 1986 shall
9 remain in effect unless rescinded pursuant to sections 80108,
10 80110, 80111, and 80112.

11 (3) ~~Local political subdivisions~~ A POLITICAL SUBDIVISION
12 may enact as an ordinance any or all of sections 80101 to 80104,
13 80122 to 80124, 80126, 80140, 80141, 80144 to ~~80153~~ 80152,
14 80155, 80164, 80165, ~~and~~ 80166 to 80173, AND 80176.

15 Sec. 80124. (1) Except as otherwise provided in this sec-
16 tion, the owner of a vessel required to be numbered and to dis-
17 play a decal shall file an application for a certificate of
18 number with the secretary of state. The secretary of state shall
19 prescribe and furnish certificate of title application forms. If
20 a vessel requiring a certificate of title under part 803 is sold
21 by a dealer, that dealer shall combine the application for a cer-
22 tificate of number that is signed by the vessel owner with the
23 application for a certificate of title. The dealer shall obtain
24 the certificate of number in the name of the owner. The owner of
25 the vessel shall sign the application. A person shall not file
26 an application for a certificate of number that contains false
27 information. A dealer who fails to submit an application as

1 required by this section is guilty of a misdemeanor, punishable
2 by imprisonment for not more than 90 days, or a fine of not more
3 than \$100.00, 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 department
24 under this part.

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 nonmotorized	
4	canoes or kayaks, except as provided in section 80123..	9.00
5	(c) Nonmotorized canoes or kayaks except as pro-	
6	vided in section 80123.....	5.00
7	(d) Motorboats less than 12 feet in length.....	14.00
8	(e) Motorboats 12 feet or over but less than 16	
9	feet in length.....	17.00
10	(f) Motorboats 16 feet or over but less than 21	
11	feet in length.....	42.00
12	(g) Motorboats 21 feet or over but less than 28	
13	feet in length.....	115.00
14	(h) Motorboats 28 feet or over but less than 35	
15	feet in length.....	168.00
16	(i) Motorboats 35 feet or over but less than 42	
17	feet in length.....	244.00
18	(j) Motorboats 42 feet or over but less than 50	
19	feet in length.....	280.00
20	(k) Motorboats 50 feet in length or over.....	448.00
21	(l) Pontoon vessels regardless of size.....	23.00
22	(m) Motorized canoes regardless of size.....	14.00
23	(n) Vessels licensed under part 473.....	15.00
24	(o) Vessels carrying passengers for hire that are	
25	in compliance with part 445, or under federal law; and	
26	vessels carrying passengers and freight or freight only	

1 and owned within this state or hailing from a port
 2 within this state..... 45.00

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

7 (8) Payment of the fee specified in this section exempts the
 8 vessel from the tax imposed by the general property tax act, ~~Act~~
 9 ~~No. 206 of the Public Acts of 1893, being sections 211.1 to~~
 10 ~~211.157 of the Michigan Compiled Laws 1893 PA 206, MCL 211.1 TO~~
 11 ~~211.157.~~

12 (9) Upon receipt of an initial application for a certificate
 13 of number in approved form and payment of the required fee, the
 14 secretary of state shall enter the information upon the official
 15 records and issue to the applicant a certificate of number con-
 16 taining the number awarded to the vessel, the name and address of
 17 the owner, and other information that the secretary of state
 18 determines necessary. The secretary of state shall issue a cer-
 19 tificate of number that is pocket size and legible. Except as
 20 provided in subsection (13), a person operating a vessel shall
 21 present that vessel's certificate of number to a peace officer
 22 upon the peace officer's request. A PERSON WHO FAILS TO PRESENT
 23 A CERTIFICATE OF NUMBER UPON A PEACE OFFICER'S REQUEST UNDER THIS
 24 SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION.

25 (10) If a check or draft payable to the secretary of state
 26 under this part is not paid on its first presentation, the fee or
 27 tax is delinquent as of the date the draft or check was

1 tendered. The person tendering the check or draft remains liable
2 for the payment of each fee or tax and a penalty.

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

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

14 (13) The owner or authorized agent of the owner of a vessel
15 less than 26 feet in length that is leased or rented to a person
16 for noncommercial use for not more than 24 hours may retain, at
17 the place from which the vessel departs or returns to the posses-
18 sion of the owner or the owner's representative, the certificate
19 of number for that vessel if a copy of the lease or rental agree-
20 ment is on the vessel. Upon the demand of a peace officer, the
21 operator shall produce for inspection either the certificate of
22 number or a copy of the lease or rental agreement for that
23 vessel. The lease or rental agreement shall contain each of the
24 following:

25 (a) The vessel number that appears on the certificate of
26 number.

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

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

5 (d) The signature of the person leasing or renting the
6 vessel.

7 (14) Upon receipt of a certificate of number for a vessel,
8 the owner of that vessel shall paint on or attach in a permanent
9 manner to each side of the forward half of the vessel the number
10 identified in the certificate of number, in the manner prescribed
11 by rules promulgated by the department. The secretary of state
12 shall assign to the owner of vessels for rent or lease a block of
13 numbers sufficient to number consecutively all of that owner's
14 rental or lease vessels. The owner shall maintain the numbers in
15 a legible condition. A vessel documented by the United States
16 coast guard or a federal agency that is the successor to the
17 United States coast guard is not required to display numbers
18 under this part but shall display a decal indicating payment of
19 the fee prescribed in subsection (6), and shall otherwise be in
20 compliance with this part. This subsection does not apply to a
21 nonpowered vessel 12 feet or less in length. AN OWNER OF A
22 VESSEL WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A STATE
23 CIVIL INFRACTION.

24 (15) Upon receipt of an application for a certificate of
25 number in an approved form and payment of the fee required by
26 this part, the secretary of state shall issue a decal that is
27 color-coded and dated to identify the year of its expiration, and

1 that indicates that the vessel is numbered in compliance with
2 this part. The department shall promulgate a rule or rules to
3 establish the manner in which the decal is to be displayed. A
4 PERSON WHO VIOLATES THAT RULE OR THOSE RULES IS RESPONSIBLE FOR A
5 STATE CIVIL INFRACTION.

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

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

16 (18) The numbering system adopted ~~pursuant to~~ UNDER this
17 part shall be in accordance with the standard system of numbering
18 established by the secretary of the department in which the
19 United States coast guard operates.

20 (19) An agency of this state, a political subdivision of
21 this state, or a state supported college or university of this
22 state that owns a vessel that is required to be numbered under
23 this part shall register that vessel and upon payment of either
24 of the following shall receive from the secretary of state a cer-
25 tificate of number for that vessel:

26 (a) A fee of \$3.00 for a vessel that is not used for
27 recreational, commercial, or rental purposes.

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

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

6 (21) A vessel that is 30 years of age or older and not used
7 other than in club activities, exhibitions, tours, parades, and
8 other similar activities is a historic vessel. The secretary of
9 state shall make available to the public application forms for
10 certificates of number for historic vessels and, upon receipt of
11 a completed application form and fee, shall number a historic
12 vessel as a historic vessel. The fee for the numbering of a his-
13 toric vessel is 1/3 of the otherwise applicable fee specified in
14 subsection (6).

15 (22) Upon application to the secretary of state, the owner
16 of a nonmotorized canoe or kayak who registered that vessel under
17 former ~~Act No. 303 of the Public Acts of 1967~~ 1967 PA 303
18 between January 1, 1989 and April 17, 1990 shall receive a refund
19 of a portion of the registration fee equal to the difference in
20 the amount that owner paid and the fee amount provided in subsec-
21 tion (6)(c).

22 (23) The secretary of state shall refund to the owner of a
23 vessel registered under this part or former ~~Act No. 303 of the~~
24 ~~Public Acts of 1967~~ 1967 PA 303 all of the registration fee paid
25 for that vessel ~~pursuant to~~ UNDER this section or section 33 of
26 former ~~Act No. 303 of the Public Acts of 1967~~ 1967 PA 303 if

1 all of the following conditions are met during the period for
2 which the registration fee was paid:

3 (a) The owner transfers or assigns title or interest in the
4 registered vessel before placing the decal issued under
5 subsection (15) on the vessel.

6 (b) The owner surrenders the unused decal to the secretary
7 of state within 30 days after the date of transfer or
8 assignment.

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

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

19 Sec. 80125. (1) The owner of a vessel shall notify the sec-
20 retary of state within 15 days if the vessel is destroyed, aban-
21 doned, or sold, ~~—~~ OR if an interest in the vessel is trans-
22 ferred, either wholly or in part, to another person. ~~— or if the~~
23 ~~owner's address no longer conforms to the address appearing on~~
24 ~~the certificate of number.~~ The notice shall consist of a surren-
25 der of the certificate of number ~~—, on which~~ BEARING the
26 ~~proper~~ information ~~shall be noted on a place to be provided on~~
27 ~~the certificate~~ REQUIRED UNDER THIS SECTION. ~~When~~ IF the

1 surrender of the certificate is due to the vessel being destroyed
2 or abandoned, the secretary of state shall cancel the certificate
3 and enter that fact in the secretary of state's records, and the
4 number may be reassigned.

5 (2) THE OWNER OF A VESSEL SHALL NOTIFY THE SECRETARY OF
6 STATE IF THE OWNER'S ADDRESS NO LONGER CONFORMS TO THE ADDRESS
7 APPEARING ON THE CERTIFICATE OF NUMBER. A PERSON WHO VIOLATES
8 THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION.

9 (3) ~~(2) The owner of a destroyed vessel, upon proper~~ UPON
10 application, THE OWNER OF A DESTROYED VESSEL may receive a new
11 certificate of number FOR A REPLACEMENT VESSEL, valid for the
12 remainder of the numbering period, ~~for a replacement vessel,~~ if
13 all of the following conditions are met:

14 (a) The replacement vessel is owned by the same person who
15 owned the destroyed vessel.

16 (b) The owner of the replacement vessel pays additional
17 fees, if required under section 80124, due to the change in
18 vessel size or classification.

19 (c) ~~Payment of~~ THE OWNER OF THE REPLACEMENT VESSEL PAYS a
20 \$2.00 application fee.

21 (4) ~~(3)~~ If the fees required for the replacement vessel
22 under section 80124 are less than the fees that were required for
23 the destroyed vessel, the owner of the vessel shall not receive a
24 refund.

25 (5) ~~(4)~~ If the surrender of the certificate of number is
26 due to a change of the owner's address, the new address shall be

1 recorded by the secretary of state and a certificate of number
2 bearing that information shall be returned to the owner.

3 (6) ~~(5) The transferee of a vessel registered under this~~
4 ~~part, within~~ WITHIN 15 days after ~~acquisition of the~~ ACQUIRING
5 A vessel, THE TRANSFEREE OF A VESSEL REGISTERED UNDER THIS PART
6 shall ~~make application~~ APPLY to the secretary of state for
7 transfer ~~to the transferee~~ of the certificate of number issued
8 to the vessel TO THE TRANSFEREE. The transferee shall provide
9 his or her name, address, and the number of the vessel and pay to
10 the secretary of state a transfer fee of \$2.00. The registration
11 fee for the certificate of number shall be 2/3 the fee provided
12 in section 80124 if the transferred certificate of number would
13 have remained valid for 1 year or less. The registration fee for
14 the certificate of number ~~shall be~~ IS 1/3 the fee provided in
15 section 80124 if the transferred certificate of number would have
16 remained valid for more than 1 year but less than 2 years. ~~An~~
17 THE SECRETARY OF STATE SHALL NOT ASSESS AN additional registra-
18 tion fee ~~shall not be assessed~~ if the transferred registration
19 would have remained valid for 2 or more years. Unless the appli-
20 cation is made and the fee paid within 15 days after acquisition
21 of the vessel, the vessel shall be considered to be without cer-
22 tificate of number and a person shall not operate the vessel
23 until a certificate is issued. Upon receipt of the application
24 and appropriate fees, the secretary of state shall transfer the
25 certificate of number issued for the vessel to the ~~new owner~~
26 TRANSFEREE. The certificate of number ~~shall be~~ IS valid for a
27 3-year period.

1 (7) ~~(6)~~ If a certificate of number is lost, mutilated, or
2 illegible, the owner of the vessel shall obtain a duplicate of
3 the certificate upon application and payment of a fee of \$2.00.

4 Sec. 80131. (1) Each municipal judge and each clerk of a
5 court of record shall keep a full record of every case in which a
6 person is charged with or cited for a violation of ~~this part or~~
7 ~~of a local ordinance corresponding to this part~~ A MARINE LAW
8 regulating the operation of vessels.

9 (2) Within 14 days after a conviction, forfeiture of bail,
10 entry of a civil infraction determination, or default judgment
11 upon a charge of, or citation for, violating ~~this part or a~~
12 ~~local ordinance corresponding to this part~~ A MARINE LAW regulat-
13 ing the operation of vessels, except as provided in subsection
14 (11), the municipal judge or clerk of the court of record shall
15 prepare and immediately forward to the secretary of state an
16 abstract of the record of the court for the case. The abstract
17 shall be certified to be true and correct by signature, stamp, or
18 facsimile signature by the person required to prepare the
19 abstract. If a city or village department, bureau, or person is
20 authorized to accept a payment of money as a settlement for a
21 violation of a local ordinance corresponding to this part, the
22 city or village department, bureau, or person shall send a full
23 report of each case in which a person pays any amount of money to
24 the city or village department, bureau, or person to the secre-
25 tary of state upon a form prescribed by the secretary of state.

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

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

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

7 (c) The type of vessel operated at the time of the
8 violation.

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

11 (e) Whether bail was forfeited.

12 (f) Any order issued by the court ~~pursuant to~~ UNDER this
13 part.

14 (g) Other information considered necessary to the secretary
15 of state.

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

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

22 (b) The vessel was used to transport a victim of the
23 felony.

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

25 (d) The vessel was necessary for the commission of the
26 felony.

1 (5) If a person is charged with a felony in which a vessel
2 was used, the prosecuting attorney shall include the following
3 statement on the complaint and information filed in THE
4 MUNICIPAL, district, or circuit court:

5 "You are charged with the commission of a felony in which a
6 vessel was used. If you are convicted and the judge finds that
7 the conviction is for a felony in which a vessel was used, as
8 defined in section 80131 of the natural resources and environmen-
9 tal protection act, the secretary of state will order you not to
10 operate a vessel on the waters of this state.".

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

16 "You are accused of an act the nature of which constitutes a
17 felony in which a vessel was used. If the accusation is found to
18 be true and the judge or referee finds that the nature of the act
19 constitutes a felony in which a vessel was used, as defined in
20 section 80131 of the natural resources and environmental protec-
21 tion act, the secretary of state will order you not to operate a
22 vessel on the waters of this state.".

23 (7) If the judge or juvenile court referee determines as
24 part of the sentence or disposition that the felony for which the
25 defendant was convicted or adjudicated and with respect to which
26 notice was given ~~pursuant to~~ UNDER subsection (5) or (6) is a
27 felony in which a vessel was used, the clerk of the court shall

1 forward an abstract of the court record of that conviction or
2 adjudication to the secretary of state.

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

12 (a) The name and title of the person required to forward
13 abstracts.

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

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

16 (d) The following statement:

17 "I certify that all abstracts required by section 80131 of
18 the natural resources and environmental protection act for the
19 period _____ through _____ have been forwarded to the
20 secretary of state.".

21 (e) Other information the secretary of state considers
22 necessary.

23 (f) The signature of the person required to forward
24 abstracts.

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

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

9 (11) The court shall not submit, and the secretary of state
10 shall discard and not enter on the boating record, an abstract
11 for a conviction or civil infraction determination for a viola-
12 tion of this part that could not be the basis for the secretary
13 of state's issuance of an order not to operate a vessel on the
14 waters of this state. The secretary of state shall discard and
15 not enter on the boating record an abstract for a bond forfeiture
16 that occurred outside this state.

17 (12) The secretary of state shall inform the court of the
18 violations of this part that are used by the secretary of state
19 as the basis for issuance of an order not to operate a vessel on
20 the waters of this state.

21 (13) If a conviction or civil infraction determination is
22 reversed upon appeal, the court shall transmit a copy of the
23 order of reversal to the secretary of state, and the secretary of
24 state shall enter the order in the proper book or index in con-
25 nection with the record of the conviction or civil infraction
26 determination.

1 (14) The secretary of state may permit a city or village
2 department, bureau, person, or court to modify the requirement as
3 to the time and manner of reporting a conviction, civil infrac-
4 tion determination, or settlement to the secretary of state if
5 the modification will increase the economy and efficiency of col-
6 lecting and utilizing the records. If the permitted abstract of
7 court record reporting a conviction, civil infraction determina-
8 tion, or settlement originates as a part of the ~~written notice~~
9 ~~to appear,~~ APPEARANCE TICKET authorized in section 80168, the
10 form of the ~~written notice~~ APPEARANCE TICKET and report shall
11 be as prescribed by the secretary of state.

12 Sec. 80142. (1) Except as provided in subsection (3), a
13 person shall not operate a vessel on the waters of this state
14 unless each person in an open deck area on board the vessel who
15 is less than 6 years of age is wearing a type I or type II per-
16 sonal flotation device as described in R 281.1234 of the Michigan
17 administrative code.

18 (2) A parent or guardian of a child less than 6 years of age
19 who accompanies that child on board a vessel that is not a
20 charter boat described in subsection (3) shall ensure that the
21 child is wearing a personal flotation device that complies with
22 this section.

23 (3) This section does not apply to a charter boat bearing
24 either of the following:

25 (a) A valid certificate of inspection issued by the United
26 States coast guard that verifies the charter boat's compliance
27 with subchapter H or subchapter T of the code of federal

1 regulations, 46 C.F.R. 70.01-1 to 80.40 and 175.01-1 to
2 ~~185.30-30~~ 185.910.

3 (b) A valid certificate of inspection issued by the depart-
4 ment for a class C vessel that is greater than 45 feet in
5 length.

6 (4) As used in this section, "charter boat" and "class C
7 vessel" mean those terms as defined in section 44501.

8 (5) A person who violates this section is responsible for a
9 state civil infraction. ~~and may be ordered to pay a civil fine~~
10 ~~of not more than \$100.00.~~

11 Sec. 80144. (1) When vessels are being operated in ~~such~~ a
12 manner ~~as to make~~ THAT MAKES collision imminent or likely, the
13 following rules apply:

14 (a) ~~When~~ IF 2 vessels are approaching each other head-on,
15 or nearly ~~so~~ HEAD-ON, the operator of each VESSEL shall cause
16 his or her vessel to pass on the port side of the other.

17 (b) ~~When overtaking~~ IF a vessel IS OVERTAKING A VESSEL
18 proceeding in the same direction, the operator of the overtaking
19 vessel, ~~unless it is not feasible to do so~~ IF FEASIBLE, shall
20 pass on the port side of the vessel ~~ahead~~ BEING OVERTAKEN.

21 (c) ~~When~~ IF 2 vessels ~~are approaching~~ APPROACH each
22 other at right angles or obliquely ~~so as to involve~~ IN A MANNER
23 THAT INVOLVES risk of collision, ~~other than when~~ AND 1 vessel
24 is NOT overtaking ~~another~~ THE OTHER, the operator of the vessel
25 that has the other on his or her ~~own~~ port side shall hold his
26 or her course and speed, and the operator of the vessel ~~that~~
27 ~~has~~ HAVING the other on his or her ~~own~~ starboard side shall

1 give way to the other by directing his or her course to starboard
2 so as to cross the stern of the other vessel or, if necessary to
3 do so, shall ~~slacken~~ REDUCE his or her speed, stop, or
4 reverse.

5 (d) ~~When~~ IF a motorboat and a vessel under sail are pro-
6 ceeding in a manner that involves a risk of collision, the opera-
7 tor of the motorboat shall give way to the vessel under sail.

8 (e) ~~When~~ IF a motorboat and a vessel not propelled by sail
9 or mechanical means are proceeding in a manner that involves risk
10 of collision, the operator of the motorboat shall give way to the
11 other vessel.

12 (f) ~~When, by any of~~ IF, UNDER the rules ~~provided in~~ OF
13 this section, the operator of a vessel is required to give way to
14 ~~the other~~ ANOTHER VESSEL, the operator of the other vessel
15 shall maintain his or her direction and speed.

16 (2) This section does not relieve the operator of a vessel,
17 ~~otherwise privileged by this section~~ GIVEN DIRECTIONAL OR MOVE-
18 MENT PRIORITY UNDER THIS SECTION, from the duty to operate with
19 due regard for the safety of all persons using the waters of this
20 state.

21 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
22 STATE CIVIL INFRACTION.

23 Sec. 80146. (1) The department may promulgate rules to
24 establish maximum motorboat speed limits or to allow unlimited
25 motorboat speed on the waters of this state.

26 (2) ~~On waters of this state for which a motorboat speed~~
27 ~~limit is not established under subsection (1), on any waters for~~

1 ~~which the department has not established an unlimited motorboat~~
2 ~~speed limit, or on any waters for which stricter speed restric-~~
3 ~~tions are not established pursuant to an act, a~~ THE maximum
4 speed limit ~~of~~ ON THE WATERS OF THIS STATE IS 55 miles per
5 hour, ~~is established, except in an emergency and except for~~
6 ~~authorized peace and conservation officers when engaged in offi-~~
7 ~~cial duties. The maximum speed limit of 55 miles per hour shall~~
8 ~~not apply to the Great Lakes and Lake St. Clair, except for an~~
9 ~~area within 1 mile of the shoreline measured at a right angle~~
10 ~~from the shoreline~~ EXCEPT AS OTHERWISE PROVIDED BY LAW.

11 (3) THE MAXIMUM SPEED LIMIT ESTABLISHED UNDER THIS SECTION
12 DOES NOT APPLY TO ANY OF THE FOLLOWING:

13 (A) A BONA FIDE EMERGENCY SITUATION.

14 (B) A PEACE OFFICER ENGAGED IN OFFICIAL DUTIES.

15 (C) A VESSEL ON THE GREAT LAKES OR LAKE ST. CLAIR EXCEPT FOR
16 AN AREA WITHIN 1 MILE OF THE SHORELINE MEASURED AT A RIGHT ANGLE
17 FROM THE SHORELINE.

18 (4) Upon receipt of a resolution by the governing body of a
19 local unit of government having jurisdiction over waters of this
20 state requesting a reduction in the maximum speed limit on those
21 waters, the department, pursuant to sections 80108 to 80113, may
22 establish a maximum speed limit not to exceed 40 miles per hour
23 on those waters.

24 (5) ~~(3)~~ A person shall not operate a motorboat on the
25 waters of this state at a speed greater than slow--no wake speed
26 or the minimum speed necessary for the motorboat to maintain
27 forward movement when within 100 feet of the shoreline where the

1 water depth is less than 3 feet, as determined by vertical
2 measurement, except in navigable channels not otherwise posted.

3 ~~(4) A person operating a motorboat in violation of this~~
4 ~~section is guilty of reckless operation of a motorboat punishable~~
5 ~~as provided in section 80171.~~

6 (6) ~~(5)~~ The department may waive this section and section
7 80156 for marine events authorized by the department under sec-
8 tion 80164.

9 (7) A PERSON WHO EXCEEDS A SPEED LIMIT IN VIOLATION OF THIS
10 SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION.

11 Sec. 80150. (1) A person shall not operate a vessel on ~~any~~
12 ~~of~~ the waters of this state within a lawfully authorized
13 restricted area clearly marked by buoys, beacons, or other dis-
14 tinguishing devices IDENTIFYING THAT AREA as being prohibited to
15 vessels.

16 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
17 STATE CIVIL INFRACTION.

18 Sec. 80152. (1) Except as otherwise provided in this sec-
19 tion, a person shall not operate a vessel on the waters of this
20 state if he or she is towing or otherwise assisting a person on
21 water skis or on a water sled, aquaplane, surfboard, or other
22 similar contrivance unless a person capable of communicating to
23 the vessel operator the condition and needs of the person being
24 towed or assisted is on board the vessel and positioned to
25 observe the person being towed or assisted.

26 (2) Subsection (1) does not apply to vessels used by duly
27 constituted ski schools in the giving of instructions or to

1 vessels used in sanctioned ski tournaments, competitions,
2 expositions, or trials. Vessels described in this subsection
3 shall be equipped with a 170-degree wide-angle rearview mirror
4 affixed in a manner that will permit the operator to observe the
5 progress of the person being towed.

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

10 (4) Subsection (1) does not apply to a vessel operator who
11 is towing a person preparing for a specific water ski tournament
12 if all of the following conditions are met:

13 (a) The vessel operator is certified as provided in subsec-
14 tion (5).

15 (b) The person being towed is certified as provided in sub-
16 section (6).

17 (c) Towing is conducted so that, on average, not more than 1
18 vessel approaches within 300 feet of the towing vessel during any
19 5-minute period.

20 (d) The vessel is equipped with all of the following:

21 (i) A center-mounted tow pylon.

22 (ii) A large clear rearview mirror capable of allowing the
23 vessel operator to distinguish hand signals at a distance of 75
24 feet.

25 (iii) Markings that identify the vessel as a vessel that is
26 being operated in conformance with this subsection.

1 (5) The department shall adopt standards for water ski
2 tournament boat operation established by U.S.A. water ski in
3 "Trained Boat Driver Program", April 1997, and by the American
4 water ski association in "Drivers' Policy Manual". However, the
5 department may promulgate rules providing for alternative stan-
6 dards under the administrative procedures act of 1969, 1969
7 PA 306, MCL 24.201 to 24.328. The department shall certify each
8 individual who satisfies the standards described in this subsec-
9 tion as a tournament water ski vessel operator and issue proof of
10 that certification to the individual.

11 (6) The department shall adopt standards for tournament
12 water skiers established by the Michigan water ski association in
13 "Guidelines for Training Permit Eligibility", proposed revision
14 125 of 1996. However, the department may promulgate rules pro-
15 viding for alternative standards under the administrative proce-
16 dures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The
17 department shall certify each individual who satisfies the stan-
18 dards described in this subsection as a tournament water skier
19 and issue proof of that certification to the individual.

20 (7) The Michigan water ski association shall provide annu-
21 ally to the department and the Michigan sheriffs association both
22 of the following:

23 (a) A list of the individuals whom the organization consid-
24 ers qualified for tournament water skiing.

25 (b) The names of not more than 3 bodies of water on which
26 each of those individuals may be authorized to practice for
27 tournament water skiing.

1 (8) The department shall specify the body or bodies of water
2 upon which a water skier may practice upon each certificate
3 issued under subsection (6).

4 (9) A PERSON WHO VIOLATES SUBSECTION (1) IS RESPONSIBLE FOR
5 A STATE CIVIL INFRACTION.

6 Sec. 80154. (1) A person not in a ~~boat~~ VESSEL shall not
7 intentionally rock, tip, jostle, or otherwise interfere with the
8 operation of ~~any~~ A vessel, except under supervised training.

9 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
10 STATE CIVIL INFRACTION.

11 Sec. 80159. (1) ~~The~~ WITHOUT EXPENSE TO THE STATE, THE
12 department may authorize, through the issuance of revocable per-
13 mits, the placing of buoys or beacons in the waters of this state
14 to mark obstruction to navigation, to designate bathing areas, to
15 designate vessel anchorages, or for any other purpose ~~if it will~~
16 ~~promote~~ THAT PROMOTES safety or navigation. ~~Any~~

17 (2) A person ~~who desires~~ SEEKING to place ~~buoys~~ A BUOY
18 or ~~beacons~~ BEACON in the waters of this state ~~, without~~
19 ~~expense to the state, shall make application~~ SHALL APPLY to the
20 department FOR A REVOCABLE PERMIT in ~~a~~ THE form and containing
21 THE information ~~required by~~ 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. If authorization
26 ~~has been~~ IS granted, the ~~buoys or beacons shall be placed~~
27 PERSON SHALL PLACE THE BUOY OR BEACON only in accordance with the

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

13 (A) IMPROPERLY PLACED.

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

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

19 (D) NOT COMPLYING WITH A PERMIT CONDITION.

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

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

11 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
12 STATE CIVIL INFRACTION.

13 Sec. 80166. (1) Upon the direction of a peace officer, the
14 operator OR PERSON IN CHARGE of a vessel moving on the waters of
15 this state shall immediately bring the vessel to a stop or maneu-
16 ver it in a manner that permits the peace officer to come beside
17 the vessel. The operator of the vessel and any person on the
18 vessel shall do the following upon the request of the peace
19 officer:

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

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

23 (c) If the vessel does not bear a decal described in
24 subsection (3), submit to a reasonable inspection of the vessel
25 and to a reasonable inspection and test of the equipment of the
26 vessel — IF THE VESSEL DOES NOT BEAR 1 OF THE FOLLOWING:

(i) A DECAL DESCRIBED IN SUBSECTION (3).

(ii) A DECAL ISSUED BY THE UNITED STATES COAST GUARD

VERIFYING THAT THE VESSEL HAS BEEN INSPECTED AND IS IN COMPLIANCE WITH FEDERAL SAFETY STANDARDS.

(2) Each police chief, the director of the law enforcement division of the department, ~~of natural resources,~~ the director of the department of state police, and each sheriff shall issue a book containing both of the following to each peace officer in his or her department whose duties may include enforcement of marine law:

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

(b) Receipts for each uniform inspection decal copy.

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

(a) Effective for 1 calendar year.

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

(c) Attachable to a vessel and bearing language that substantially complies with the following: "This vessel has been inspected by _____ on _____ and is in compliance with the equipment and registration requirements of part 801 of the natural resources and environmental protection act."

(4) A peace officer who conducts an inspection of a vessel authorized under this section shall include in that inspection a reasonable examination and test of the equipment on that vessel.

1 If the peace officer does not find a violation of a marine law,
2 he or she shall affix to the vessel an adhesive copy of the uni-
3 form marine safety inspection decal described in subsection (3)
4 and shall complete a receipt for that decal.

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

7 (a) The name of the peace officer.

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

9 (c) The vessel's identifying number.

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

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

22 (8) A person who is detained for a violation of this part or
23 of a local ordinance substantially corresponding to a provision
24 of this part and who furnishes a peace officer false, forged,
25 fictitious, or misleading verbal or written information identify-
26 ing the person as another person is guilty of a misdemeanor.

1 (9) A peace officer who observes a marine law violation THAT
2 IS A FELONY OR A MISDEMEANOR may immediately arrest the person
3 without a warrant or issue to the person a written or verbal
4 warning.

5 Sec. 80167. If a person is arrested without a warrant for
6 any of the following, the arrested person shall, without unrea-
7 sonable delay, be arraigned by a magistrate or judge who is
8 within the county in which the offense charged is alleged to have
9 been committed, who has jurisdiction of the offense, and who is
10 nearest or most accessible with reference to the place where the
11 arrest is made:

12 (a) ~~The person is arrested upon a charge of negligent~~
13 NEGLIGENT homicide.

14 (b) ~~The person is arrested under~~ A VIOLATION OF section
15 80176(1), (3), (4), or (5), or a local ordinance substantially
16 corresponding to section 80176(1) or (3).

17 (c) ~~The person is arrested under~~ A VIOLATION OF section
18 80147 or a local ordinance substantially corresponding to section
19 80147. If in the existing circumstances it does not appear that
20 releasing the person pending the issuance of a warrant will con-
21 stitute a public menace, the arresting officer may proceed as
22 provided by section 80168.

23 Sec. 80168. (1) When a person is arrested without a warrant
24 for a MARINE LAW violation ~~of this part~~ punishable as a misde-
25 meanor ~~, or of a provision of any local ordinance or rule estab-~~
26 ~~lished in conformity with this part,~~ under conditions not
27 referred to in section 80167, the arresting officer shall prepare

1 ~~in duplicate a written notice to appear in court containing the~~
2 ~~name and address of the person, the offense charged, and the time~~
3 ~~and place when and where the person shall appear in court. If~~
4 AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE, ISSUE TO, AND
5 SERVE UPON THAT PERSON AN APPEARANCE TICKET PURSUANT TO SECTION
6 9F OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
7 MCL 764.9F. THE OFFICER SHALL INFORM THE ALLEGED OFFENDER OF THE
8 VIOLATION AND SHALL GIVE THE MISDEMEANOR COPY OF THE CITATION TO
9 THE ALLEGED OFFENDER. UPON THE DEMAND OF the arrested person, ~~so~~
10 ~~demands, he or she shall be arraigned by a magistrate~~ THE
11 ARRESTING OFFICER SHALL TAKE THE PERSON TO BE ARRAIGNED BEFORE A
12 JUDGE or a district court ~~judge~~ MAGISTRATE as provided in sec-
13 tion 80167 in lieu of being given the ~~notice~~ CITATION.

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

17 (3) The place OF COURT APPEARANCE specified in the ~~notice~~
18 ~~to appear~~ CITATION shall be ~~before a magistrate or a~~ IN THE
19 district OR MUNICIPAL court ~~judge who is~~ within the ~~township~~
20 ~~or county~~ JUDICIAL DISTRICT in which the offense charged is
21 alleged to have ~~been committed and who has jurisdiction of the~~
22 ~~offense~~ OCCURRED.

23 (4) ~~Appearance may be made~~ A PERSON MAY MAKE AN APPEARANCE
24 in person, by representation, or by mail. ~~When~~ IF appearance
25 is made by representation or mail, the JUDGE OR DISTRICT COURT
26 magistrate ~~or the district court judge~~ may accept the plea of
27 guilty or not guilty for purposes of arraignment, with the same

1 effect as though the person personally appeared before him or
2 her. The JUDGE OR DISTRICT COURT magistrate, ~~or the district~~
3 ~~court judge,~~ by giving notice 5 days prior to the date of
4 appearance, may require appearance in person at the time and
5 place designated in the ~~notice~~ CITATION.

6 SEC. 80168A. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER
7 SECTION 80168 FOR A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
8 NOT MORE THAN 90 DAYS, A COURT HAVING JURISDICTION MAY ACCEPT A
9 PLEA OF GUILTY OR NOT GUILTY UPON THE CITATION WITHOUT RECEIPT OF
10 A SWORN COMPLAINT, BUT SHALL NOT MAKE A DOCKET RETURN ON THE COM-
11 PLAINTE UNTIL THE OFFICER SIGNS THE COMPLAINT.

12 (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER
13 SECTION 80168 PLEADS NOT GUILTY, A COURT SHALL HOLD NO FURTHER
14 PROCEEDINGS UNTIL A SWORN COMPLAINT IS FILED WITH THE MAGISTRATE
15 OR JUDGE. A COURT SHALL NOT ISSUE AN ARREST WARRANT FOR A PERSON
16 TO WHOM A CITATION WAS ISSUED UNDER SECTION 80168 UNTIL A SWORN
17 COMPLAINT AGAINST THAT PERSON IS FILED WITH THE COURT.

18 Sec. 80169. (1) If a person not a resident of this state is
19 arrested without a warrant for ~~any~~ A MARINE LAW violation ~~of~~
20 ~~this part under conditions~~ THAT IS PUNISHABLE AS A MISDEMEANOR,
21 AND THE VIOLATION IS not referred to under section 80167, the
22 officer making the arrest, upon demand of the arrested person,
23 shall immediately take the person for arraignment by a
24 ~~magistrate~~ JUDGE or a district court ~~judge~~ MAGISTRATE in the
25 ~~vicinity~~ JUDICIAL DISTRICT IN WHICH THE OFFENSE CHARGED IS
26 ALLEGED TO HAVE OCCURRED to answer to the complaint made against
27 him or her. If a magistrate or ~~a district court~~ judge IN THAT

1 JUDICIAL DISTRICT is not available or an immediate trial cannot
2 be had, the person arrested may recognize to the officer for his
3 or her appearance by leaving with ~~him or her~~ THE OFFICER a
4 GUARANTEED APPEARANCE CERTIFICATE OR sum of money not to exceed
5 ~~\$25.00.~~ \$100.00 AND THE FOLLOWING SHALL APPLY:

6 (A) ~~-(2)-~~ The officer making the arrest shall give ~~a~~
7 ~~receipt~~ to the person arrested A WRITTEN CITATION AS PROVIDED IN
8 SECTION 80168 AND A RECEIPT for the GUARANTEED APPEARANCE CERTIF-
9 ICATE OR THE money deposited with ~~him or her under~~
10 ~~subsection (1), together with a written summons as provided in~~
11 ~~section 80168~~ THAT OFFICER.

12 (B) ~~-(3)-~~ If the ~~offender~~ ARRESTED PERSON fails to appear
13 as required IN THE CITATION, THE GUARANTEED APPEARANCE CERTIFI-
14 CATE OR the deposit shall be forfeited as in other cases of
15 default in bail ~~,~~ in addition to any other penalty provided in
16 this part.

17 (2) ~~-(4)-~~ ~~Within~~ NOT MORE THAN 48 hours after ~~taking~~ A
18 PEACE OFFICER RECEIVES A CERTIFICATE OR a deposit OF MONEY under
19 this section, the officer shall ~~deposit the money with the mag-~~
20 ~~istrate or the district court judge named in the notice to~~
21 ~~appear, together with a report stating the facts relating to the~~
22 ~~arrest. Failure to make the report and deposit the money~~
23 DELIVER THAT CERTIFICATE OR DEPOSIT OF MONEY AND A REPORT STATING
24 THE FACTS RELATING TO THE ARREST TO THE COURT NAMED IN THE
25 CITATION, OR TO THE POLICE CHIEF OR PERSON AUTHORIZED BY THE
26 POLICE CHIEF TO RECEIVE CERTIFICATES AND DEPOSITS. THE POLICE
27 CHIEF OR PERSON AUTHORIZED BY THE POLICE CHIEF SHALL DEPOSIT WITH

1 THE COURT THE CERTIFICATE OR THE MONEY DEPOSITED AND THE CITATION
2 IN THE SAME MANNER AS PRESCRIBED FOR CITATIONS IN SECTION
3 80199B.

4 (3) THE FAILURE OF A PERSON IN RECEIPT OF MONEY UNDER THIS
5 SECTION TO DEPOSIT THAT MONEY IN THE MANNER PRESCRIBED BY THIS
6 SECTION is embezzlement of public money.

7 Sec. 80170. (1) ~~Any~~ AN officer, JUDGE, OR DISTRICT COURT
8 magistrate ~~, or district court judge violating~~ WHO VIOLATES
9 section 80168 or 80169 is guilty of misconduct in office and is
10 subject to removal from office.

11 (2) Sections 80168 and 80169 govern ~~all~~ A peace ~~officers~~
12 OFFICER in making ~~arrests~~ AN ARREST without a warrant for
13 ~~violations of this part~~ A MARINE LAW VIOLATION and do not pre-
14 vent the execution of a warrant for the arrest of ~~the~~ A person.
15 ~~as in other cases of misdemeanors when it may be necessary.~~

16 Sec. 80171. (1) ~~Unless~~ EXCEPT AS otherwise ~~specified~~
17 under PROVIDED IN this part, a MARINE LAW violation ~~of this~~
18 ~~part or rules promulgated under this part~~ is a misdemeanor. ~~A~~

19 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A polit-
20 ical subdivision ~~having adopted~~ THAT ENACTS a local ordinance
21 in conformity with this part may provide that ~~any~~ A violation
22 of ~~the~~ THAT ordinance is a misdemeanor OR A STATE CIVIL
23 INFRACTION. ~~Any~~

24 (3) A POLITICAL SUBDIVISION SHALL NOT ENACT A LOCAL ORDI-
25 NANCE THAT PROVIDES A CRIMINAL PENALTY FOR AN ACT OR OMISSION
26 THAT IS A STATE CIVIL INFRACTION UNDER THIS PART, OR THAT IMPOSES
27 A PENALTY IN EXCESS OF THAT PRESCRIBED IN THIS PART. A LOCAL

1 ORDINANCE THAT IS IN CONFLICT WITH THIS PART IS VOID TO THE
2 EXTENT OF THE CONFLICT. A POLITICAL SUBDIVISION SHALL NOT DESIG-
3 NATE AS A STATE CIVIL INFRACTION OR A MUNICIPAL CIVIL INFRACTION
4 AN ACT OR OMISSION THAT IS A MISDEMEANOR OR FELONY UNDER THIS
5 PART.

6 (4) A PERSON WHO VIOLATES AN ADMINISTRATIVE RULE PROMULGATED
7 UNDER THIS PART OR A LOCAL ORDINANCE ENACTED IN ACCORDANCE WITH
8 SECTIONS 80110 AND 80111 IS RESPONSIBLE FOR A STATE CIVIL
9 INFRACTION.

10 (5) A COURT HAVING JURISDICTION OVER A person convicted of
11 reckless operation of a vessel as defined in section 80147, or of
12 operating a vessel while under the influence of intoxicating
13 liquor or narcotic drugs, in addition to IMPOSING any other pen-
14 alty, may ~~be refused by the court having jurisdiction of the~~
15 ~~violation the right of~~ PROHIBIT THAT CONVICTED PERSON FROM oper-
16 ating ~~any~~ A vessel on ~~any of~~ the waters of this state for a
17 period of not more than 2 years.

18 Sec. 80176. (1) A person shall not operate a vessel on the
19 waters of this state if either of the following applies:

20 (a) The person is under the influence of intoxicating liquor
21 or a controlled substance, or both.

22 (b) The person has a blood alcohol content of 0.10 grams or
23 more per 100 milliliters of blood, per 210 liters of breath, or
24 per 67 milliliters of urine.

25 (2) The owner of a vessel or a person in charge or in con-
26 trol of a vessel shall not authorize or knowingly permit the
27 vessel to be operated on the waters of this state by a person who

1 is under the influence of intoxicating liquor or a controlled
2 substance, or both, or who has a blood alcohol content of 0.10
3 grams or more per 100 milliliters of blood, per 210 liters of
4 breath, or per 67 milliliters of urine.

5 (3) A person shall not operate a vessel on the waters of
6 this state when, due to the consumption of an intoxicating liquor
7 or a controlled substance, or both, the person's ability to oper-
8 ate the vessel is visibly impaired. If a person is charged with
9 violating subsection (1), a finding of guilty under this subsec-
10 tion may be rendered.

11 (4) A person who operates a vessel on the waters of this
12 state under the influence of intoxicating liquor or a controlled
13 substance, or both, or with a blood alcohol content of 0.10 grams
14 or more per 100 milliliters of blood, per 210 liters of breath,
15 or per 67 milliliters of urine, and by the operation of that
16 vessel causes the death of another person is guilty of a felony,
17 punishable by imprisonment for not more than 15 years, or a fine
18 of not less than \$2,500.00 or more than \$10,000.00, or both.

19 (5) A person who operates a vessel on the waters of this
20 state under the influence of intoxicating liquor or a controlled
21 substance, or both, or with a blood alcohol content of 0.10 grams
22 or more per 100 milliliters of blood, per 210 liters of breath,
23 or per 67 milliliters of urine, and by the operation of that
24 vessel causes a ~~long-term incapacitating injury~~ SERIOUS IMPAIR-
25 MENT OF A BODY FUNCTION to another person is guilty of a felony,
26 punishable by imprisonment for not more than 5 years, or a fine
27 of not less than \$1,000.00 or more than \$5,000.00, or both. AS

1 USED IN THIS SUBSECTION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION"
2 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

3 (A) LOSS OF A LIMB OR USE OF A LIMB.

4 (B) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A HAND,
5 FOOT, FINGER, OR THUMB.

6 (C) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

7 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

8 (E) SERIOUS VISIBLE DISFIGUREMENT.

9 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

10 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

11 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

12 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

13 Sec. 80180. (1) A peace officer, without a warrant, may
14 arrest a person if the peace officer has reasonable cause to
15 believe that the person was, at the time of an accident, the
16 operator of a vessel involved in the accident in this state while
17 in violation of section 80176(1), (3), (4), or (5) or a local
18 ordinance substantially corresponding to section 80176(1) or
19 (3).

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

1 (a) Only a peace officer who has successfully completed a
2 training course taught by a state-certified instructor in the
3 administration of the preliminary chemical breath analysis may
4 administer that test.

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

7 (c) The results of a preliminary chemical breath analysis
8 are admissible in a criminal prosecution for a crime described in
9 section 80187(1) or in an administrative hearing solely to assist
10 the court or hearing officer in determining a challenge to the
11 validity of an arrest. This subdivision does not limit the
12 introduction of other competent evidence offered to establish the
13 validity of an arrest.

14 (d) A person who submits to a preliminary chemical breath
15 analysis remains subject to the requirements of sections 80187 to
16 80190 for the purposes of chemical tests described in those
17 sections.

18 (e) A person who refuses to submit to a preliminary chemical
19 breath analysis upon a lawful request by a peace officer is
20 responsible for a state civil infraction. ~~and may be ordered to~~
21 ~~pay a civil fine of not more than \$100.00.~~

22 (3) A peace officer making an arrest under this part shall
23 take measures to assure that the vessel and its occupants are
24 safely returned to shore.

25 (4) If, within 60 days after the issuance of a citation for
26 a state civil infraction under this section, the person to whom
27 the citation is issued is not charged with a violation of section

1 80176(1), (3), (4), or (5) or a local ordinance substantially
2 corresponding to section 80176(1) or (3), the citation issued for
3 the state civil infraction is void. Upon application of the
4 person to whom the citation is issued, money paid by the person
5 as a fine, costs, or otherwise shall be immediately returned.

6 SEC. 80193A. THE COURT THAT COLLECTS AN ADMINISTRATIVE
7 ORDER PROCESSING FEE UNDER SECTION 80193 SHALL TRANSMIT 60% OF
8 THE COLLECTED AMOUNT TO THE SECRETARY OF STATE TO DEFRAY EXPENSES
9 INCURRED BY THE SECRETARY OF STATE UNDER THIS ACT.

10 Sec. 80198a. (1) ~~When wind conditions on the Great Lakes~~
11 ~~attain a magnitude whereby~~ IF 1/3 of the waves ~~resulting from~~
12 ~~the~~ ON THE GREAT LAKES RESULTING FROM WIND conditions cause any
13 public dock, pier, wharf, or retaining wall to be awash, ~~it con=~~
14 ~~stitutes a state not conducive to the orderly and safe use and~~
15 ~~occupancy of those structures.~~ THAT PUBLIC DOCK, PIER, WHARF, OR
16 RETAINING WALL IS UNSAFE.

17 (2) ~~When~~ IF the conditions described in subsection (1)
18 exist, ~~any~~ A harbormaster, peace ~~or police~~ officer, or other
19 authorized official may rope off or barricade entry to ~~these~~
20 ~~structures~~ THE UNSAFE PUBLIC DOCK, PIER, WHARF, OR RETAINING
21 WALL or THAT PERSON MAY post in a conspicuous manner notices that
22 entry ~~on those structures~~ TO THAT PUBLIC DOCK, PIER, WHARF, OR
23 RETAINING WALL for the purpose of fishing, swimming, or other
24 recreational activity is prohibited.

25 (3) A person shall not knowingly enter or remain upon ~~any~~
26 A public dock, pier, wharf, or retaining wall for the purpose of

1 fishing, swimming, or other recreational activity when ~~the~~
2 ~~structure~~ 1 OR MORE OF THE FOLLOWING EXIST:

3 (A) THE PUBLIC DOCK, PIER, WHARF, OR RETAINING WALL is
4 roped, cabled, or otherwise barricaded in a manner designed to
5 exclude intruders. ~~, when~~

6 (B) A notice against entry is ~~given by posting~~ POSTED in a
7 conspicuous manner. ~~, or when~~

8 (C) A notice to leave or stay off is personally communicated
9 to ~~that person~~ HIM OR HER by a peace ~~or police~~ officer or
10 other authorized official of the ~~local unit of government~~
11 POLITICAL SUBDIVISION.

12 Sec. 80198b. (1) The owner or person in charge of a bathing
13 beach maintained primarily for public use shall not knowingly
14 permit a person to bathe or swim from the bathing beach unless
15 buoys outlining a safe bathing or swimming area are established
16 in accordance with section 80159.

17 (2) A person who is bathing or swimming from a bathing beach
18 maintained primarily for public use shall not bathe or swim in
19 waters that are within 100 feet beyond the buoyed bathing or
20 swimming area. This subsection does not apply to persons swim-
21 ming from adjacent privately owned beaches that are not open to
22 the general public.

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

25 SEC. 80199A. EACH POLICE CHIEF, THE DIRECTOR OF THE LAW
26 ENFORCEMENT DIVISION OF THE DEPARTMENT, THE DIRECTOR OF THE

1 DEPARTMENT OF STATE POLICE, AND EACH SHERIFF SHALL DO BOTH OF THE
2 FOLLOWING:

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

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

10 SEC. 80199B. (1) BEFORE THE EXPIRATION OF 48 HOURS AFTER
11 THE COMPLETION OF HIS OR HER TOUR OF DUTY, A PEACE OFFICER TO
12 WHOM A CITATION BOOK HAS BEEN ISSUED AND WHO HAS RECORDED THE
13 OCCURRENCE OF A MARINE LAW VIOLATION UPON A CITATION SHALL
14 DELIVER TO HIS OR HER POLICE CHIEF OR TO A PERSON DULY AUTHORIZED
15 BY THE POLICE CHIEF TO RECEIVE CITATIONS ALL COPIES OF THE
16 CITATION DULY SIGNED. THE POLICE CHIEF OR A PERSON DULY AUTHO-
17 RIZED BY THE POLICE CHIEF SHALL DEPOSIT THE ORIGINAL OF THE
18 CITATION WITH THE COURT HAVING JURISDICTION OVER THE OFFENSE NOT
19 LATER THAN 3 DAYS AFTER THE DATE OF THE CITATION, EXCLUDING
20 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS.

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

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

6 (4) THIS PART DOES NOT PREVENT A PERSON WHO IS NOT A PEACE
7 OFFICER FROM APPLYING FOR THE ISSUANCE OF A CRIMINAL COMPLAINT
8 FOR A MARINE LAW VIOLATION THAT IS NOT A STATE CIVIL INFRACTION,
9 AND THAT PERSON IS NOT REQUIRED TO SHOW THAT THE ALLEGED OFFENDER
10 HAS BEEN ISSUED A CITATION IN CONNECTION WITH THE OFFENSE.

11 SEC. 80199C. THE STATE TREASURER SHALL ESTABLISH PROCEDURES
12 TO ENSURE THE ACCOUNTABILITY OF ALL JURISDICTIONS PROCESSING
13 MARINE LAW VIOLATION CITATIONS. THE RECORD SHOWING THE ISSUANCE
14 AND SUBSEQUENT DISPOSITION SHALL BE MAINTAINED COMPLETE FOR NOT
15 LESS THAN 5 YEARS FOLLOWING ISSUANCE AND DISPOSITION AND THE
16 RECORDS AND NOTICES SHALL BE MADE AVAILABLE FOR PUBLIC
17 INSPECTION.

18 SEC. 80199D. THE FISCAL OFFICER OF THE POLITICAL SUBDIVI-
19 SION TO WHICH A MARINE LAW ENFORCEMENT AGENCY OR DEPARTMENT IS
20 RESPONSIBLE SHALL CONDUCT A COMPLETE AUDIT OF CITATION RECORDS OF
21 THAT POLITICAL SUBDIVISION AT LEAST ANNUALLY. THE STATE TREA-
22 SURER MAY AUDIT THOSE CITATION RECORDS AT ANY TIME.

23 SEC. 80199E. A PERSON WHO KNOWINGLY FALSIFIES A CITATION OR
24 COPIES OF A CITATION, OR A RECORD OF THE ISSUANCE OF A CITATION,
25 OR DISPOSES OF A CITATION, COPY, OR RECORD, IN A MANNER OTHER
26 THAN AS REQUIRED IN THIS PART, OR ATTEMPTS SO TO FALSIFY OR
27 DISPOSE, OR ATTEMPTS TO INCITE OR PROCURE ANOTHER SO TO FALSIFY

1 OR DISPOSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
2 FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$500.00, OR
3 BOTH.

4 SEC. 80199F. (1) IF A PERSON WHO IS NOT A RESIDENT OF THIS
5 STATE IS STOPPED OR DETAINED FOR A STATE CIVIL INFRACTION UNDER
6 THIS PART AND THAT PERSON HAS IN HIS OR HER POSSESSION AN IDENTI-
7 FICATION DOCUMENT, THE PEACE OFFICER MAKING THE STOP SHALL TAKE
8 THAT PERSON'S IDENTIFICATION DOCUMENT AS SECURITY FOR THE
9 NONRESIDENT'S APPEARANCE IN COURT AND SATISFACTION OF ANY ORDER
10 THAT MAY BE ISSUED UNDER SECTION 80199G AND SHALL ISSUE TO THAT
11 PERSON A CITATION. WITHIN 48 HOURS OF A PEACE OFFICER'S RECEIPT
12 OF AN IDENTIFICATION DOCUMENT UNDER THIS SECTION, THAT PEACE
13 OFFICER SHALL DELIVER THE IDENTIFICATION DOCUMENT TO THE COURT
14 NAMED IN THE CITATION OR TO THE APPLICABLE CHIEF POLICE OFFICER
15 OR PERSON AUTHORIZED BY THAT CHIEF POLICE OFFICER TO RECEIVE
16 CITATIONS AND IDENTIFICATION DOCUMENTS. THE CHIEF POLICE OFFICER
17 OR PERSON AUTHORIZED SHALL DEPOSIT THE IDENTIFICATION DOCUMENT
18 AND CITATION WITH THE COURT IN THE SAME MANNER AS PRESCRIBED FOR
19 CITATIONS IN SECTION 80199B. FAILURE TO DELIVER THE IDENTIFICA-
20 TION DOCUMENT IS CONTEMPT OF COURT.

21 (2) IN LIEU OF THE OFFICER'S TAKING OF THE IDENTIFICATION
22 DOCUMENT UNDER SUBSECTION (1) OR BEFORE APPEARANCE IN COURT, THE
23 PERSON STOPPED MAY GUARANTEE TO THE OFFICER OR TO THE COURT FOR
24 HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A
25 GUARANTEED APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED
26 \$100.00.

1 (3) IF A JUDGE OR DISTRICT COURT MAGISTRATE IS AVAILABLE FOR
2 AN IMMEDIATE APPEARANCE, AND A NONRESIDENT TO WHOM A CITATION IS
3 ISSUED DEMANDS AN IMMEDIATE HEARING, THE PEACE OFFICER ISSUING
4 THE CITATION SHALL TAKE THE NONRESIDENT BEFORE THE JUDGE OR DIS-
5 TRICT COURT MAGISTRATE IMMEDIATELY FOR A HEARING ON THE ALLEGED
6 STATE CIVIL INFRACTION. THE COURT HAVING JURISDICTION SHALL
7 RETURN TO A NONRESIDENT THAT PERSON'S IDENTIFICATION UPON COMPLE-
8 TION OF AN INFORMAL HEARING OR UPON THAT PERSON'S ADMISSION OF
9 RESPONSIBILITY, IF ANY OF THE FOLLOWING OCCUR:

10 (A) JUDGMENT IS ENTERED FOR THAT PERSON.

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

12 (C) THAT PERSON PROVIDES THE COURT WITH A GUARANTEED APPEAR-
13 ANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$100.00 AS
14 SECURITY FOR PAYMENT OF ANY FINES OR COSTS ORDERED.

15 (4) IF THE NONRESIDENT DEFENDANT REQUESTS A FORMAL HEARING,
16 THE COURT SHALL SCHEDULE A FORMAL HEARING AS PROVIDED IN
17 SECTION 8821 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
18 MCL 600.8821, BUT SHALL RETAIN THE DEFENDANT'S IDENTIFICATION
19 DOCUMENT UNTIL FINAL RESOLUTION OF THE MATTER UNLESS THE
20 DEFENDANT LEAVES WITH THE COURT A GUARANTEED APPEARANCE CERTIFI-
21 CATE OR DEPOSIT AS DESCRIBED IN SUBSECTION (2) AS SECURITY FOR
22 APPEARANCE AT THE SCHEDULED FORMAL HEARING.

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

1 (A) GIVE TO THE PERSON STOPPED FOR AN ALLEGED STATE CIVIL
2 INFRACTION A RECEIPT FOR THE GUARANTEED APPEARANCE CERTIFICATE OR
3 THE MONEY DEPOSITED.

4 (B) GIVE TO THE PERSON STOPPED FOR AN ALLEGED STATE CIVIL
5 INFRACTION THE WRITTEN CITATION REQUIRED UNDER SUBSECTION (1).

6 (C) WITHIN 48 HOURS AFTER HIS OR HER RECEIPT OF A CERTIFI-
7 CATE OR DEPOSIT OF MONEY UNDER THIS SECTION, DEPOSIT THAT CERTIF-
8 ICATE OR MONEY WITH THE COURT IDENTIFIED IN THE CITATION, WITH
9 THE CHIEF OFFICER OF HIS OR HER DEPARTMENT OR AGENCY, OR WITH THE
10 AUTHORIZED AGENT OF THE CHIEF OFFICER OF HIS OR HER DEPARTMENT OR
11 AGENCY.

12 (6) A CHIEF OFFICER OF A DEPARTMENT OR AGENCY OR THAT
13 PERSON'S AUTHORIZED AGENT SHALL DELIVER A CERTIFICATE OR MONEY
14 RECEIVED UNDER THIS SECTION TO THE COURT IN THE SAME MANNER AS
15 PRESCRIBED FOR CITATIONS IN SECTION 80199B. THAT PERSON'S FAIL-
16 URE TO DELIVER A CERTIFICATE OR DEPOSIT OF MONEY IN COMPLIANCE
17 WITH THIS SECTION IS EMBEZZLEMENT OF PUBLIC MONEY.

18 (7) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS
19 TO APPEAR AS REQUIRED IN THE CITATION OR FOR A SCHEDULED FORMAL
20 HEARING, THE COURT HAVING JURISDICTION AND VENUE OVER THE STATE
21 CIVIL INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT
22 PERSON, AND THAT PERSON SHALL FORFEIT THE GUARANTEED APPEARANCE
23 CERTIFICATE OR MONEY DEPOSITED. THE COURT SHALL APPLY MONEY FOR-
24 FEITED UNDER THIS SECTION TO ANY CIVIL FINE OR COSTS ORDERED
25 UNDER SECTION 80199G.

1 SEC. 80199G. (1) A MARINE LAW VIOLATION THAT IS DESIGNATED
2 A STATE CIVIL INFRACTION IS NOT A LESSER INCLUDED OFFENSE OF A
3 CRIMINAL OFFENSE.

4 (2) IF A PERSON IS FOUND TO BE RESPONSIBLE OR RESPONSIBLE
5 "WITH EXPLANATION" FOR A STATE CIVIL INFRACTION, A COURT MAY
6 ORDER THE PERSON TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00.

7 (3) A CIVIL FINE THAT IS ORDERED UNDER THIS SECTION FOR A
8 VIOLATION OF THIS PART OR A RULE PROMULGATED UNDER THIS PART IS
9 EXCLUSIVELY APPLICABLE TO THE SUPPORT OF PUBLIC LIBRARIES AND
10 COUNTY LAW LIBRARIES IN THE SAME MANNER AS IS PROVIDED BY LAW FOR
11 PENAL FINES ASSESSED AND COLLECTED FOR VIOLATION OF A PENAL LAW
12 OF THE STATE.

13 (4) SUBSECTION (3) IS INTENDED TO MAINTAIN A SOURCE OF REVE-
14 NUE FOR PUBLIC LIBRARIES THAT PREVIOUSLY RECEIVED PENAL FINES FOR
15 THOSE MISDEMEANOR VIOLATIONS OF THIS PART THAT ARE NOW STATE
16 CIVIL INFRACTIONS.

17 SEC. 80199H. IF A PERSON RECEIVES A CITATION FOR A VIOLA-
18 TION OF SECTION 80124(9), THE COURT SHALL WAIVE ANY FINE AND
19 COSTS, UPON RECEIPT OF CERTIFICATION BY A LAW ENFORCEMENT AGENCY
20 THAT THE PERSON, BEFORE THE APPEARANCE DATE ON THE CITATION,
21 PRODUCED A CERTIFICATE OF NUMBER THAT WAS VALID ON THE DATE THE
22 VIOLATION OF SECTION 80124(9) OCCURRED.

23 Enacting section 1. Section 4a of 1846 RS 1, MCL 8.4a,
24 applies to a violation of part 801 of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.80101 to
26 324.80199h, and to a violation of a local ordinance substantially
27 corresponding to that act, if the violation occurred before the

1 effective date of this amendatory act and the violation would
2 otherwise be designated a civil infraction upon the effective
3 date of this amendatory act.

4 Enacting section 2. This amendatory act takes effect April
5 1, 2002.

6 Enacting section 3. This amendatory act does not take
7 effect unless all of the following bills of the 91st Legislature
8 are enacted into law:

9 (a) Senate Bill No. 300.

10

11 (b) Senate Bill No. 301.

12

13 (c) Senate Bill No. 302.

14

15 (d) Senate Bill No. 303.

16

17 (e) Senate Bill No. 304.

18

19 (f) Senate Bill No. 305.

20

21 (g) Senate Bill No. 306.

22

23 (h) Senate Bill No. 307.

24

25 Enacting section 4. Section 80153 of the natural resources
26 and environmental protection act, 1994 PA 451, MCL 324.80153, is
27 repealed.