

SENATE BILL No. 1461

November 3, 2004, Introduced by Senators McMANUS, CROPSEY, VAN WOERKOM, ALLEN, BIRKHOLZ, GILBERT and JOHNSON and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80102 and 80124 (MCL 324.80102 and 324.80124), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80102. As used in this part:

2 (a) "Dealer" means a person ~~and~~ or an authorized
3 representative of that person who annually purchases from a
4 manufacturer, or who is engaged in selling or manufacturing, 6 or
5 more vessels that require certificates of number under this
6 part.

7 (b) "Historic vessel" means a vessel that is over 25 years
8 old and that is owned solely as a collector's item and for
9 participation in club activities, exhibitions, tours, parades,
10 and similar uses, including mechanical testing, but is not used

1 **for general transportation.**

2 (c) ~~(b)~~ "Identification document" means any of the
3 following:

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

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

8 (iii) An official identification card issued by an agency,
9 department, or bureau of the United States, this state, or
10 another state.

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

13 (d) ~~(e)~~ "Issuing authority" means the United States coast
14 guard or a state that has a numbering system approved by the
15 United States coast guard.

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

25 Sec. 80124. (1) Except as otherwise provided in this
26 section, the owner of a vessel required to be numbered and to
27 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
5 certificate 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
18 certificate 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~~ **for**
27 **which a permit has been issued** under 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
9 applicant shall pay the following **applicable** fee at the time of
10 application:

11 (a) A 15-day temporary permit issued under
12 subsection (3)..... \$ 10.00

13 (b) Nonpowered vessels, other than
14 nonmotorized canoes or kayaks, except as
15 provided in section 80123..... 9.00

16 (c) Nonmotorized canoes or kayaks except
17 as provided in section 80123..... 5.00

18 (d) Motorboats less than 12 feet in
19 length..... 14.00

20 (e) Motorboats 12 feet or over but less
21 than 16 feet in length..... 17.00

22 (f) Motorboats 16 feet or over but less
23 than 21 feet in length..... 42.00

24 (g) Motorboats 21 feet or over but less
25 than 28 feet in length..... 115.00

26 (h) Motorboats 28 feet or over but less
27 than 35 feet in length..... 168.00

1	(i) Motorboats 35 feet or over but less	
2	than 42 feet in length.....	244.00
3	(j) Motorboats 42 feet or over but less	
4	than 50 feet in length.....	280.00
5	(k) Motorboats 50 feet in length or over	448.00
6	(l) Pontoon vessels regardless of size..	23.00
7	(m) Motorized canoes regardless of size.	14.00
8	(n) Vessels licensed under part 473.....	15.00
9	(o) Vessels carrying passengers for hire	
10	that are in compliance with part 445, or	
11	under federal law; and vessels carrying	
12	passengers and freight or freight only and	
13	owned within this state or hailing from a	
14	port within this state.....	45.00

15 (7) The length of a vessel is the distance from end to end
 16 over the deck, excluding the longitudinal upward or downward
 17 curve of the deck, fore and aft. A pontoon boat shall be
 18 measured by the length of its deck, fore and aft.

19 (8) Payment of the fee specified in this section exempts the
 20 vessel from the tax imposed by the general property tax act, ~~Act~~
 21 ~~No. 206 of the Public Acts of 1893, being sections 211.1 to~~
 22 ~~211.157 of the Michigan Compiled Laws— 1893 PA 206, MCL 211.1 to~~
 23 ~~211.157.~~

24 (9) Upon receipt of an initial application for a certificate
 25 of number in approved form and payment of the required fee, the
 26 secretary of state shall enter the information upon the official
 27 records and issue to the applicant a certificate of number

1 containing the number awarded to the vessel, the name and address
2 of the owner, and other information that the secretary of state
3 determines necessary. The secretary of state shall issue a
4 certificate of number that is pocket size and legible. Except as
5 provided in subsection (13), a person operating a vessel shall
6 present that vessel's certificate of number to a peace officer
7 upon the peace officer's request.

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

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

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

24 (13) The owner or authorized agent of the owner of a vessel
25 less than 26 feet in length that is leased or rented to a person
26 for noncommercial use for not more than 24 hours may retain, at
27 the place from which the vessel departs or returns to the

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

8 (a) The vessel number that appears on the certificate of
9 number.

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

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

14 (d) The signature of the person leasing or renting the
15 vessel.

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

1 the fee prescribed in subsection (6), and shall otherwise be in
2 compliance with this part. This subsection does not apply to a
3 nonpowered vessel 12 feet or less in length.

4 (15) Upon receipt of an application for a certificate of
5 number in an approved form and payment of the fee required by
6 this part, the secretary of state shall issue a decal that is
7 color-coded and dated to identify the year of its expiration, and
8 that indicates that the vessel is numbered in compliance with
9 this part. **The decal for a vessel numbered as a historic vessel**
10 **under subsection (21) shall bear the inscription "historic**
11 **vessel".** The department shall promulgate a rule or rules to
12 establish the manner in which ~~the~~ **a decal under this subsection**
13 **is to be displayed.**

14 (16) A decal is valid for a 3-year period that begins on
15 April 1 and expires on March 31 of the third year. **However, a**
16 **decal for a vessel numbered as a historic vessel under subsection**
17 **(21) is valid for a 10-year period that begins on April 1 and**
18 **expires on March 31 of the tenth year.** An original certificate of
19 number may be issued up to 90 days prior to April 1. A numbering
20 renewal decal or other renewal device may be issued up to 90 days
21 prior to the expiration of a certificate.

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

26 (18) The numbering system adopted pursuant to this part shall
27 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 this
4 state, or a state supported college or university of this state
5 that owns a vessel that is required to be numbered under this
6 part shall register that vessel and upon payment of either of the
7 following shall receive from the secretary of state a certificate
8 of number for that vessel:

9 (a) A fee of \$3.00, for a vessel that is not used for
10 recreational, 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 of
14 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~~ **Upon**
21 receipt of a completed application form, ~~and fee,~~ **a certificate**
22 **of the owner that the vessel is owned and operated solely as a**
23 **historic vessel, and a certificate that the vessel has been**
24 **inspected and found safe to operate on the waters of this state,**
25 **the secretary of state** shall number a historic vessel as a
26 historic vessel. The fee for the numbering of a historic vessel
27 is 1/3 of the otherwise applicable fee specified in subsection

1 (6). The certificate of number issued under this subsection is
2 transferable to another historic vessel upon completion of the
3 application for transfer and payment of the fee in the manner
4 described in section 80125.

5 ~~(22) Upon application to the secretary of state, the owner~~
6 ~~of a nonmotorized canoe or kayak who registered that vessel under~~
7 ~~former Act No. 303 of the Public Acts of 1967 between January 1,~~
8 ~~1989 and April 17, 1990 shall receive a refund of a portion of~~
9 ~~the registration fee equal to the difference in the amount that~~
10 ~~owner paid and the fee amount provided in subsection (6)(c).~~

11 (22) After affording an opportunity for a hearing, the
12 secretary of state may revoke a vessel's certificate of number
13 and decal as a historic vessel for any of the following reasons:

14 (a) The owner failed to comply with this section in obtaining
15 the certificate of number or decal.

16 (b) The vessel has been used for a purpose other than as a
17 historic vessel.

18 (c) The vessel is not safe to operate on the waters of this
19 state.

20 (23) The secretary of state shall refund to the owner of a
21 vessel registered under this part ~~or former Act No. 303 of the~~
22 ~~Public Acts of 1967~~ all of the registration fee paid for that
23 vessel pursuant to this section ~~or section 33 of former Act~~
24 ~~No. 303 of the Public Acts of 1967~~ if all of the following
25 conditions are met during the period for which the registration
26 fee was paid:

27 (a) The owner transfers or assigns title or interest in the

1 registered vessel before placing the decal issued under
2 subsection (15) on the vessel.

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

5 (24) The secretary of state shall refund to the surviving
6 spouse of a deceased vessel owner the registration fee paid
7 pursuant to this part, prorated on a monthly basis, upon receipt
8 of the decal issued under subsection (15) or evidence
9 satisfactory to the secretary of state that the decal issued
10 under subsection (15) has been destroyed or voided.

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