

# SENATE BILL No. 116

February 1, 2005, Introduced by Senators McMANUS, BASHAM, GEORGE, JELINEK, CROSEY, SANBORN, KUIPERS, VAN WOERKOM, ALLEN, GARCIA, GOSCHKA and BIRKHOLZ 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~~ A 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 part.

6       (b) "HISTORIC VESSEL" MEANS A VESSEL THAT IS OVER 25 YEARS OLD  
7       AND THAT IS OWNED SOLELY AS A COLLECTOR'S ITEM AND FOR  
8       PARTICIPATION IN CLUB ACTIVITIES, EXHIBITIONS, TOURS, PARADES, AND

1 SIMILAR USES, INCLUDING MECHANICAL TESTING, BUT IS NOT USED FOR  
2 GENERAL TRANSPORTATION.

3 (C) ~~—(b)—~~ "Identification document" means any of the  
4 following:

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

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

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

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

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

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

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

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

26 Sec. 80124. (1) Except as otherwise provided in this section,  
27 the owner of a vessel required to be numbered and to display a

1 decal shall file an application for a certificate of number with  
2 the secretary of state. The secretary of state shall prescribe and  
3 furnish certificate of title application forms. If a vessel  
4 requiring a certificate of title under part 803 is sold by a  
5 dealer, that dealer shall combine the application for a certificate  
6 of number that is signed by the vessel owner with the application  
7 for a certificate of title. The dealer shall obtain the certificate  
8 of number in the name of the owner. The owner of the vessel shall  
9 sign the application. A person shall not file an application for a  
10 certificate of number that contains false information. A dealer who  
11 fails to submit an application as required by this section is  
12 guilty of a misdemeanor, punishable by imprisonment for not more  
13 than 90 days, or a fine of not more 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 the  
16 vessel a 15-day temporary permit, on forms prescribed by the  
17 secretary of state, for the use of the vessel while the certificate  
18 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 and  
24 stored outside of this state and will not be returned to this state  
25 by the purchaser for use or storage. A certificate of number shall  
26 not be issued for a vessel ~~holding a permit~~ **FOR WHICH A PERMIT**  
27 **HAS BEEN ISSUED** under this subsection.

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

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

(6) Except as otherwise provided in this section **AND SECTION 80123**, an applicant shall pay the following **APPLICABLE** fee at the time of application:

(a) A 15-day temporary permit issued under subsection (3) .....	\$ 10.00
(b) Nonpowered vessels, other than nonmotorized canoes or kayaks <del>, except as provided in section 80123</del> .....	9.00
(c) Nonmotorized canoes or kayaks <del>except as provided in section 80123</del> .....	5.00
(d) Motorboats less than 12 feet in length .....	14.00
(e) Motorboats 12 feet or over but less than 16 feet in length .....	17.00
(f) Motorboats 16 feet or over but less than 21 feet in length .....	42.00
(g) Motorboats 21 feet or over but less than 28 feet in length .....	115.00
(h) Motorboats 28 feet or over but less than 35 feet in length .....	168.00
(i) Motorboats 35 feet or over but less than 42 feet in length .....	244.00

1	(j) Motorboats 42 feet or over but less than 50 feet in	
2	length .....	280.00
3	(k) Motorboats 50 feet in length or over .....	448.00
4	(l) Pontoon vessels regardless of size.....	23.00
5	(m) Motorized canoes regardless of size .....	14.00
6	(n) Vessels licensed under part 473 .....	15.00
7	(o) Vessels carrying passengers for hire that are	
8	in compliance with part 445, or under federal law; and	
9	vessels carrying passengers and freight or freight only	
10	and owned within this state or hailing from a port within	
11	this state .....	45.00
12	(7) The length of a vessel is the distance from end to end	
13	over the deck, excluding the longitudinal upward or downward curve	
14	of the deck, fore and aft. A pontoon boat shall be measured by the	
15	length of its deck, fore and aft.	
16	(8) Payment of the fee specified in this section exempts the	
17	vessel from the tax imposed by the general property tax act, <del>Act</del>	
18	<del>No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157</del>	
19	<del>of the Michigan Compiled Laws</del> <b>1893 PA 206, MCL 211.1 TO 211.157.</b>	
20	(9) Upon receipt of an initial application for a certificate	
21	of number in approved form and payment of the required fee, the	
22	secretary of state shall enter the information upon the official	
23	records and issue to the applicant a certificate of number	
24	containing the number awarded to the vessel, the name and address	
25	of the owner, and other information that the secretary of state	
26	determines necessary. The secretary of state shall issue a	
27	certificate of number that is pocket size and legible. Except as	

1 provided in subsection (13), a person operating a vessel shall  
2 present that vessel's certificate of number to a peace officer upon  
3 the peace officer's request.

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

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

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

19 (13) The owner or authorized agent of the owner of a vessel  
20 less than 26 feet in length that is leased or rented to a person  
21 for noncommercial use for not more than 24 hours may retain, at the  
22 place from which the vessel departs or returns to the possession of  
23 the owner or the owner's representative, the certificate of number  
24 for that vessel if a copy of the lease or rental agreement is on  
25 the vessel. Upon the demand of a peace officer, the operator shall  
26 produce for inspection either the certificate of number or a copy  
27 of the lease or rental agreement for that vessel. The lease or

1 rental agreement shall contain each of the following:

2 (a) The vessel number that appears on the certificate of  
3 number.

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

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

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

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

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

1 indicates that the vessel is numbered in compliance with this part.  
2 **THE DECAL FOR A VESSEL NUMBERED AS A HISTORIC VESSEL UNDER**  
3 **SUBSECTION (21) SHALL BEAR THE INSCRIPTION "HISTORIC VESSEL".** The  
4 department shall promulgate a rule or rules to establish the manner  
5 in which ~~the~~ **A decal UNDER THIS SUBSECTION** is to be displayed.

6 (16) A decal is valid for a 3-year period that begins on April  
7 1 and expires on March 31 of the third year. **HOWEVER, A DECAL FOR A**  
8 **VESSEL NUMBERED AS A HISTORIC VESSEL UNDER SUBSECTION (21) IS VALID**  
9 **FOR A 10-YEAR PERIOD THAT BEGINS ON APRIL 1 AND EXPIRES ON MARCH 31**  
10 **OF THE TENTH YEAR.** An original certificate of number may be issued  
11 up to 90 days prior to April 1. A numbering renewal decal or other  
12 renewal device may be issued up to 90 days prior to the expiration  
13 of a certificate.

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

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

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



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

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

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

8 ~~(21) A vessel that is 30 years of age or older and not used~~  
9 ~~other than in club activities, exhibitions, tours, parades, and~~  
10 ~~other similar activities is a historic vessel.~~ The secretary of  
11 state shall make available to the public application forms for  
12 certificates of number for historic vessels. ~~and, upon~~ **UPON**  
13 receipt of a completed application form, ~~and fee,~~ **A CERTIFICATE**  
14 **OF THE OWNER THAT THE VESSEL IS OWNED AND OPERATED SOLELY AS A**  
15 **HISTORIC VESSEL, AND A CERTIFICATE THAT THE VESSEL HAS BEEN**  
16 **INSPECTED AND FOUND SAFE TO OPERATE ON THE WATERS OF THIS STATE,**  
17 **THE SECRETARY OF STATE** shall number a historic vessel as a historic  
18 vessel. The fee for the numbering of a historic vessel is 1/3 of  
19 the otherwise applicable fee specified in subsection (6). **THE**  
20 **CERTIFICATE OF NUMBER ISSUED UNDER THIS SUBSECTION IS TRANSFERABLE**  
21 **TO ANOTHER HISTORIC VESSEL UPON COMPLETION OF THE APPLICATION FOR**  
22 **TRANSFER AND PAYMENT OF THE FEE IN THE MANNER DESCRIBED IN SECTION**  
23 **80125.**

24 ~~— (22) Upon application to the secretary of state, the owner of~~  
25 ~~a nonmotorized canoe or kayak who registered that vessel under~~  
26 ~~former Act No. 303 of the Public Acts of 1967 between January 1,~~  
27 ~~1989 and April 17, 1990 shall receive a refund of a portion of the~~

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

3 (22) AFTER AFFORDING AN OPPORTUNITY FOR A HEARING, THE  
4 SECRETARY OF STATE MAY REVOKE A VESSEL'S CERTIFICATE OF NUMBER AND  
5 DECAL AS A HISTORIC VESSEL FOR ANY OF THE FOLLOWING REASONS:

6 (A) THE OWNER FAILED TO COMPLY WITH THIS SECTION IN OBTAINING  
7 THE CERTIFICATE OF NUMBER OR DECAL.

8 (B) THE VESSEL HAS BEEN USED FOR A PURPOSE OTHER THAN AS A  
9 HISTORIC VESSEL.

10 (C) THE VESSEL IS NOT SAFE TO OPERATE ON THE WATERS OF THIS  
11 STATE.

12 (23) The secretary of state shall refund to the owner of a  
13 vessel registered under this part ~~or former Act No. 303 of the~~  
14 ~~Public Acts of 1967~~ all of the registration fee paid for that  
15 vessel pursuant to this section ~~or section 33 of former Act No.~~  
16 ~~303 of the Public Acts of 1967~~ if all of the following conditions  
17 are met during the period for which the registration fee was paid:

18 (a) The owner transfers or assigns title or interest in the  
19 registered vessel before placing the decal issued under subsection  
20 (15) on the vessel.

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

23 (24) The secretary of state shall refund to the surviving  
24 spouse of a deceased vessel owner the registration fee paid  
25 pursuant to this part, prorated on a monthly basis, upon receipt of  
26 the decal issued under subsection (15) or evidence satisfactory to  
27 the secretary of state that the decal issued under subsection (15)

1 has been destroyed or voided.

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