



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4143 (Substitute S-1 as reported)

Sponsor: Representative Steve Bieda

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 801 (Marine Safety) and Part 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to do the following:

- Change certain violations from misdemeanors to State civil infractions, which would be punishable by a maximum civil fine of \$500.
- Increase from \$25 to \$200 the maximum personal recognizance deposit payable by a nonresident arrested for a violation of Part 801.
- Increase from \$100 to \$500 the fine for refusing to submit to a preliminary chemical breath analysis.

Violations that would become State civil infractions include violating standards for boat construction, or equipment use or installation; operating a vessel without paying required fees, or without displaying its ID number and decal; failing to operate at a speed that does not endanger life or property, or operating in a manner that unreasonably interferes with others' lawful use of any waters; violating prohibitions against waterskiing or similar activity between one hour after sunset and one hour before sunrise; swimming in violation of buoy requirements; operating a personal watercraft and crossing within 150 feet behind another vessel, except a personal watercraft, unless the person is operating at a slow-no wake speed; and operating a personal watercraft where the water is less than two feet deep, unless the watercraft is operated at slow-no wake speed or is being docked or launched.

Operating a vessel in a manner that makes collision imminent or likely would be a State civil infraction, although a second or subsequent violation would be a misdemeanor. It also would be a misdemeanor to violate requirements concerning the operation of vessels counter-clockwise in unmarked areas, and maintaining a 100-foot distance from a vessel, dock, or bathing area (except on the Great Lakes, Lake St. Clair, or the St. Clair River).

MCL 324.80114 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would result in reduced revenue to the State's Justice System Fund, which supports a variety of programs in the Judiciary, the Department of State Police, and the Department of Corrections. The Justice System Fund assessment is \$10 for a State civil infraction, and \$40 for a misdemeanor. The number of violations under Parts 801 and 802 is unknown, as the Act is enforced at both the local and State levels. Local units of government would save the costs of misdemeanor incarceration or probation, which vary by jurisdiction. The bill also would increase the fine for refusing to submit to a preliminary chemical breath analysis, which is a State civil infraction. Increases in fine revenue would benefit public libraries.

Date Completed: 4-20-07

Fiscal Analyst: Stephanie Yu