

**SUBSTITUTE FOR
HOUSE BILL NO. 4143**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80114, 80122, 80124, 80144, 80145, 80146,
80149, 80151, 80152, 80155, 80169, 80180, 80198b, 80205, and
80209 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145,
324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80169,
324.80180, 324.80198b, 324.80205, and 324.80209), sections 80114,
80122, 80124, 80144, 80145, 80146, 80149, 80151, 80155, 80169,
and 80198b as added by 1995 PA 58, section 80152 as amended by
1999 PA 19, section 80180 as amended by 1996 PA 174, section
80205 as amended by 2004 PA 27, and section 80209 as added by
2000 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80114. (1) The department may promulgate rules to

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1 establish performance or other safety standards relating to boat
2 construction or the installation, use, or carriage of associated
3 equipment.

4 (2) In order that a boat operator may pass unhindered from
5 jurisdiction to jurisdiction, ~~it is the intention of the~~
6 ~~legislature that~~ rules authorized by this section shall be
7 identical to federal regulations for enforcement purposes.
8 However, rules requiring the carrying or using of marine safety
9 articles to meet uniquely hazardous conditions or circumstances
10 within this state may be promulgated, if the rules for the safety
11 articles are approved by the United States coast guard.

12 (3) A PERSON WHO VIOLATES A RULE PROMULGATED TO IMPLEMENT
13 THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION [AND MAY BE
14 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00].

15 Sec. 80122. (1) Except as otherwise provided in this part, a
16 person shall not operate or give permission for the operation of
17 a vessel of any length on the waters of this state unless the
18 fees prescribed in section 80124 for the vessel are paid, the
19 certificate of number assigned to the vessel is on board and is
20 in full force and effect, and, except for the following, the
21 identifying number and decal are displayed on each side of the
22 forward half of the vessel in accordance with this part and the
23 rules promulgated by the department under this part:

24 (a) A decal and identifying numbers for a wooden hull and
25 historic vessel as that term is defined in section 80124 may be
26 displayed in the manner described in section 80126(2).

27 (b) A decal for an inflatable boat may be displayed on the
transom of the boat.

1 (2) If a vessel is actually numbered in another state of
2 principal use in accordance with a federally approved numbering
3 system, it is in compliance with the numbering requirements of
4 this state while it is temporarily being used in this state. This
5 subsection applies to a vessel for which a valid temporary
6 certificate is issued to the vessel's owner by the issuing
7 authority of the state in which the vessel is principally used.

8 (3) If a vessel is removed to this state as the new state of
9 principal use, a number awarded by any other issuing authority is
10 valid for not more than 60 days before numbering is required by
11 this state.

12 **(4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A**
13 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
14 **NOT MORE THAN \$500.00.**

15 Sec. 80124. (1) Except as otherwise provided in this
16 section, the owner of a vessel required to be numbered and to
17 display 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
22 certificate 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 an
26 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
8 certificate 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
26 applicant 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	
6	provided 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	
9	16 feet in length.....	17.00
10	(f) Motorboats 16 feet or over but less than	
11	21 feet in length.....	42.00
12	(g) Motorboats 21 feet or over but less than	
13	28 feet in length.....	115.00
14	(h) Motorboats 28 feet or over but less than	
15	35 feet in length.....	168.00
16	(i) Motorboats 35 feet or over but less than	
17	42 feet in length.....	244.00
18	(j) Motorboats 42 feet or over but less than	
19	50 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	
25	are in compliance with part 445, or under federal law;	
26	and vessels carrying passengers and freight or freight	
27	only and owned within this state or hailing from a	
28	port within this state.....	45.00

29 (7) ~~The~~ **AS USED IN THIS SECTION, "THE** length of a vessel" ~~is~~
30 **MEANS** the distance from end to end over the deck, excluding the

1 longitudinal upward or downward curve of the deck, fore and aft.
2 A pontoon boat shall be measured by the length of its deck, fore
3 and aft.

4 (8) Payment of the fee specified in this section exempts the
5 vessel from the tax imposed ~~by~~ **UNDER** the general property tax
6 act, ~~Act No. 206 of the Public Acts of 1893, being sections 211.1~~
7 ~~to 211.157 of the Michigan Compiled Laws 1893 PA 206, MCL 211.1~~
8 **TO 211.155.**

9 (9) Upon receipt of an initial application for a certificate
10 of number in approved form and payment of the required fee, the
11 secretary of state shall enter the information upon the official
12 records and issue to the applicant a certificate of number
13 containing the number awarded to the vessel, the name and address
14 of the owner, and other information that the secretary of state
15 determines necessary. The secretary of state shall issue a
16 certificate of number that is pocket size and legible. Except as
17 provided in subsection (13), a person operating a vessel shall
18 present that vessel's certificate of number to a peace officer
19 upon the peace officer's request.

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

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

1 number.

2 (12) If a person who tenders a check or draft described in
3 subsection (10) fails to pay a fee or tax within 15 days after
4 the secretary of state gives him or her notice that the check or
5 draft described in subsection (10) was not paid on its first
6 presentation, the secretary of state shall assess and collect a
7 penalty of \$5.00 or 20% of the check or draft, whichever is
8 larger, in addition to the fee or tax.

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

20 (a) The vessel number that appears on the certificate of
21 number.

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

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

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

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

16 (15) Upon receipt of an application for a certificate of
17 number in an approved form and payment of the fee required by
18 this part, the secretary of state shall issue a decal that is
19 color-coded and dated to identify the year of its expiration, and
20 that indicates that the vessel is numbered in compliance with
21 this part. The department shall promulgate a rule or rules to
22 establish the manner in which the decal is to be displayed. **A**
23 **PERSON WHO OPERATES A VESSEL IN VIOLATION OF A RULE PROMULGATED**
24 **TO IMPLEMENT THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL**
25 **INFRACTION [AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN**
26 **\$500.00].**

26 (16) A decal is valid for a 3-year period that begins on
27 April 1 and expires on March 31 of the third year. An original

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1 certificate of number may be issued up to 90 days ~~prior to~~ **BEFORE**
2 April 1. A numbering renewal decal or other renewal device may be
3 issued up to 90 days ~~prior to~~ **BEFORE** the expiration of a
4 certificate.

5 (17) Upon receipt of a request for renewal of a decal and
6 payment of the fee prescribed in subsection (6), the secretary of
7 state shall issue to the applicant a decal as provided in
8 subsection (15). **A PERSON WHO OPERATES A VESSEL FOR WHICH NO**
9 **DECAL WAS ISSUED AS REQUIRED UNDER THIS SECTION OR FOR WHICH A**
10 **DECAL HAS EXPIRED IS RESPONSIBLE FOR A STATE CIVIL INFRACTION [AND MAY BE**
11 **ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00].**

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

16 (19) An agency of this state, a political subdivision of
17 this state, or a state supported college or university of this
18 state that owns a vessel that is required to be numbered under
19 this part shall register that vessel and upon payment of either
20 of the following shall receive from the secretary of state a
21 certificate of number for that vessel:

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

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

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

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

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

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

24 (a) The owner transfers or assigns title or interest in the
25 registered vessel before placing the decal issued under
26 subsection (15) on the vessel.

27 (b) The owner surrenders the unused decal to the secretary

1 of state within 30 days after the date of transfer or assignment.

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

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

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

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

18 (b) When overtaking a vessel proceeding in the same
19 direction, the operator of the overtaking vessel, unless it is
20 not feasible to do so, shall pass on the port side of the vessel
21 ahead.

22 (c) When 2 vessels are approaching each other at right
23 angles or obliquely so as to involve risk of collision, other
24 than when 1 vessel is overtaking another, the operator of the
25 vessel that has the other on his or her own port side shall hold
26 his or her course and speed, and the operator of the vessel that
27 has the other on his or her own starboard side shall give way to

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

4 (d) When a motorboat and a vessel under sail are proceeding
5 in a manner that involves a risk of collision, the operator of
6 the motorboat shall give way to the vessel under sail.

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

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

15 (2) This section does not relieve the operator of a vessel
16 otherwise privileged by this section from the duty to operate
17 with due regard for the safety of all persons using the waters of
18 this state.

19 **(3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A**
20 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
21 **NOT MORE THAN \$500.00.**

22 Sec. 80145. A person operating or propelling a vessel upon
23 the waters of this state shall operate it in a careful and
24 prudent manner and at such a rate of speed so as not to endanger
25 unreasonably the life or property of any person. A person shall
26 not operate any vessel at a rate of speed greater than will
27 permit him or her, in the exercise of reasonable care, to bring

1 the vessel to a stop within the assured clear distance ahead. A
2 person shall not operate a vessel in a manner so as to interfere
3 unreasonably with the lawful use by others of any waters. **A**
4 **PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL**
5 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE**
6 **THAN \$500.00.**

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

10 (2) On waters of this state for which a motorboat speed
11 limit is not established under subsection (1), on any waters for
12 which the department has not established an unlimited motorboat
13 speed limit, or on any waters for which stricter speed
14 restrictions are not established pursuant to an act, a maximum
15 speed limit of 55 miles per hour is established, except in an
16 emergency and except for authorized peace and conservation
17 officers when engaged in official duties. The maximum speed limit
18 of 55 miles per hour ~~shall~~**DOES** not apply to the Great Lakes and
19 Lake St. Clair, except for an area within 1 mile of the shoreline
20 measured at a right angle from the shoreline. Upon receipt of a
21 resolution by the governing body of a local unit of government
22 having jurisdiction over waters of this state requesting a
23 reduction in the maximum speed limit on those waters, the
24 department, pursuant to sections 80108 to 80113, may establish a
25 maximum speed limit not to exceed 40 miles per hour on those
26 waters.

27 (3) A person shall not operate a motorboat on the waters of

1 this state at a speed greater than slow-no wake speed or the
2 minimum speed necessary for the motorboat to maintain forward
3 movement when within 100 feet of the shoreline where the water
4 depth is less than 3 feet, as determined by vertical measurement,
5 except in navigable channels not otherwise posted.

6 ~~(4) A person operating a motorboat in violation of this~~
7 ~~section is guilty of reckless operation of a motorboat punishable~~
8 ~~as provided in section 80171. A PERSON WHO VIOLATES SUBSECTION~~
9 ~~(2) OR (3) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE~~
10 ~~ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00, UNLESS 1 OF~~
11 ~~THE FOLLOWING CONDITIONS EXISTS:~~

12 (A) THE REQUIREMENTS OF THIS SECTION HAVE BEEN WAIVED AS
13 DESCRIBED UNDER SUBSECTION (5).

14 (B) THE PERSON VIOLATES THIS SECTION IN A MANNER THAT
15 CONSTITUTES RECKLESS OPERATION OF A MOTORBOAT AS DESCRIBED IN
16 SECTION 80147.

17 (5) The department may waive **THE REQUIREMENTS OF** this
18 section and section 80156 for marine events authorized by the
19 department under section 80164.

20 Sec. 80149. Persons operating vessels on the waters of this
21 state in areas not marked by well defined channels, canals,
22 rivers, or stream courses shall operate the vessels in a counter-
23 clockwise fashion to the extent that it is reasonably possible.
24 These persons and persons being towed on water skis or on a water
25 sled, kite, surfboard, or similar contrivance shall maintain a
26 distance of 100 feet from any dock, raft, buoyed or occupied
27 bathing area, or vessel moored or at anchor, except when the

1 vessel is proceeding at a slow-no wake speed or when water skiers
2 are being picked up or dropped off, if that operation is
3 otherwise conducted with due regard to the safety of persons and
4 property and in accordance with the laws of this state. **A PERSON**
5 **WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL**
6 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE**
7 **THAN \$500.00.**

8 Sec. 80151. (1) ~~An operator of any~~ **A PERSON OPERATING A**
9 vessel shall not have in tow or otherwise be assisting in the
10 propulsion of a person on water skis or on a water sled,
11 surfboard, or other similar contrivance during the period of 1
12 hour after sunset to 1 hour prior to sunrise. ~~Any~~

13 (2) ~~A person permitting~~ **SHALL NOT PERMIT** himself or herself
14 to be towed on water skis or on a water sled, surfboard, or
15 similar contrivance in violation of this part. ~~is guilty of a~~
16 ~~misdemeanor.~~

17 (3) **A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A**
18 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
19 **NOT MORE THAN \$500.00.**

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

1 THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND
2 MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.

3 (2) Subsection (1) does not apply to vessels used by duly
4 constituted ski schools in the giving of instructions or to
5 vessels used in sanctioned ski tournaments, competitions,
6 expositions, or trials. Vessels described in this subsection
7 shall be equipped with a 170-degree wide-angle rearview mirror
8 affixed in a manner that will permit the operator to observe the
9 progress of the person being towed.

10 (3) ~~This section~~ **SUBSECTION (1)** does not apply to motorboats
11 less than 16 feet in length actually operated by the person being
12 towed and so constructed as to be incapable of carrying the
13 operator in or on the motorboat.

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

17 (a) The vessel operator is certified as provided in
18 subsection (5).

19 (b) The person being towed is certified as provided in
20 subsection (6).

21 (c) Towing is conducted so that, on average, not more than 1
22 vessel approaches within 300 feet of the towing vessel during any
23 5-minute period.

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

25 (i) A center-mounted tow pylon.

26 (ii) A large clear rearview mirror capable of allowing the
27 vessel operator to distinguish hand signals at a distance of 75

1 feet.

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

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

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

23 (7) The Michigan water ski association shall provide
24 annually to the department and the Michigan sheriffs association
25 both of the following:

26 (a) A list of the individuals whom the organization
27 considers qualified for tournament water skiing.

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

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

7 Sec. 80155. Any person diving or submerging in any of the
8 waters of this state with the aid of a diving suit or other
9 mechanical diving device shall place a buoy or boat in the water
10 at or near the point of submergence. The buoy or boat shall bear
11 a red flag not less than 14 inches by 16 inches with a 3-1/2 inch
12 white stripe running from 1 upper corner to a diagonal lower
13 corner. The flag shall be in place only while actual diving
14 operations are in progress. A vessel shall not be operated within
15 200 feet of a buoyed diver's flag unless it is involved in
16 tendering the diving operation. A person diving shall stay within
17 a surface area of 100 feet of the diver's flag. **A PERSON WHO**
18 **VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION**
19 **AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.**

20 Sec. 80169. (1) If a person not a resident of this state is
21 arrested without a warrant for ~~any~~ **A** violation of this part under
22 conditions not referred to under section 80167, the officer
23 making the arrest, upon demand of the arrested person, shall
24 immediately take the person for arraignment by a magistrate or a
25 district court judge in the vicinity to answer to the complaint
26 made against him or her. If a magistrate or a district court
27 judge is not available or an immediate trial cannot be had, the

1 person arrested may recognize to the officer for his or her
2 appearance by leaving with him or her ~~a sum of money not to~~
3 ~~exceed \$25.00~~ **MORE THAN \$200.00.**

4 (2) The officer making the arrest shall give a receipt to
5 the person arrested for the money deposited with him or her under
6 subsection (1), together with a written summons as provided in
7 section 80168.

8 (3) If the offender fails to appear as required, the deposit
9 shall be forfeited as in other cases of default in bail, in
10 addition to any other penalty provided in this part.

11 (4) Within 48 hours after taking a deposit under this
12 section, the officer shall deposit the money with the magistrate
13 or the district court judge named in the notice to appear,
14 together with a report stating the facts relating to the arrest.
15 Failure to make the report and deposit the money is embezzlement
16 of public money.

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

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

1 The following apply with respect to a preliminary chemical breath
2 analysis:

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

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

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

16 (d) A person who submits to a preliminary chemical breath
17 analysis remains subject to the requirements of sections 80187 to
18 80190 for the purposes of chemical tests described in those
19 sections.

20 (e) A person who refuses to submit to a preliminary chemical
21 breath analysis upon a lawful request by a peace officer is
22 responsible for a state civil infraction and may be ordered to
23 pay a civil fine of not more than ~~\$100.00~~ **\$500.00**.

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

27 (4) If, within 60 days after the issuance of a citation for

1 a state civil infraction under this section, the person to whom
2 the citation is issued is not charged with a violation of section
3 80176(1), (3), (4), or (5) or a local ordinance substantially
4 corresponding to section 80176(1) or (3), the citation issued for
5 the state civil infraction is void. Upon application of the
6 person to whom the citation is issued, money paid by the person
7 as a fine, costs, or otherwise shall be immediately returned.

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

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

19 **(3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A**
20 **STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
21 **NOT MORE THAN \$500.00.**

22 Sec. 80205. (1) ~~Until 5 years after the effective date of~~
23 ~~the 2004 amendatory act that amended this section~~ **MARCH 16, 2009,**
24 except as otherwise provided in this section, a person shall not
25 operate a personal watercraft on the waters of this state unless
26 each person riding on or being towed behind the personal
27 watercraft is wearing a type I, type II, or type III personal

1 flotation device as described in R 281.1234 of the Michigan
2 administrative code.

3 (2) Beginning ~~5 years after the effective date of the 2004~~
4 ~~amendatory act that amended this section~~ **MARCH 16, 2009**, except
5 as otherwise provided in this section, a person shall not operate
6 a personal watercraft on the waters of this state unless each
7 person 12 years of age or older riding on or being towed behind
8 the personal watercraft is wearing a type I, type II, or type III
9 personal flotation device as described in R 281.1234 of the
10 Michigan administrative code.

11 (3) Beginning ~~5 years after the effective date of the 2004~~
12 ~~amendatory act that amended this section~~ **MARCH 16, 2009**, a person
13 shall not operate a personal watercraft on the waters of this
14 state unless each person on board or being towed by the personal
15 watercraft who is less than 12 years of age is wearing a type I
16 or type II personal flotation device as described in R 281.1234
17 of the Michigan administrative code.

18 (4) A person shall not operate a personal watercraft on the
19 waters of this state unless each person on board the personal
20 watercraft is wearing a personal flotation device that is not
21 inflatable.

22 (5) A person shall not operate a personal watercraft on the
23 waters of this state if a child who is under 7 years of age is on
24 board or being towed behind the personal watercraft unless the
25 child is in the company of his or her parent or guardian or a
26 designee of the parent or guardian.

27 (6) While operating a personal watercraft equipped by the

1 manufacturer with a lanyard-type engine cutoff switch on the
2 waters of this state, a person shall have the lanyard attached to
3 his or her person, clothing, or personal flotation device as is
4 appropriate for the personal watercraft.

5 (7) A person shall not operate a personal watercraft on the
6 waters of this state during the period that begins 1 hour before
7 sunset and ends at 8 a.m. As used in this subsection, "sunset"
8 means that time as determined by the national weather service.

9 (8) A person operating a personal watercraft on the waters
10 of this state shall not cross within 150 feet behind another
11 vessel, other than a personal watercraft, unless the person is
12 operating the personal watercraft at slow--no wake speed. **A**
13 **PERSON WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A STATE**
14 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT**
15 **MORE THAN \$500.00.**

16 (9) A person shall not operate a personal watercraft on the
17 waters of this state where the water depth is less than 2 feet,
18 as determined by vertical measurement, unless 1 or both of the
19 following circumstances exist:

20 (a) The personal watercraft is being operated at slow--no
21 wake speed.

22 (b) The personal watercraft is being docked or launched.

23 (10) **A PERSON WHO VIOLATES SUBSECTION (9) IS RESPONSIBLE FOR**
24 **A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE**
25 **OF NOT MORE THAN \$500.00.**

26 (11) ~~(10)~~ A person shall operate a personal watercraft in a
27 reasonable and prudent manner. A maneuver that unreasonably or

unnecessarily endangers life, limb, or property, including, but not limited to, all of the following, constitutes reckless operation of a personal watercraft under section 80208:

(a) Weaving through congested vessel traffic.

(b) Jumping the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel is obstructed.

(c) Waiting until the last possible moment before swerving to avoid a collision.

(12) ~~(11)~~—A person shall not operate a personal watercraft on the waters of this state carrying more persons than the personal watercraft is designed to carry.

(13) ~~(12)~~—A violation of subsection ~~(11)~~—**(12)** is prima facie evidence of reckless operation of a watercraft under section 80208.

(14) ~~(13)~~—A person operating a personal watercraft in excess of the speeds established under part 801 is guilty of reckless operation of a personal watercraft under section 80208.

(15) ~~(14)~~—This section does not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with section 80164 under a permit issued by the department and at the time and place specified in the permit.

(16) ~~(15)~~—The department shall annually prepare and submit to the standing committees of the senate and house of representatives with primary jurisdiction over marine safety

1 issues an accident report related to the use of personal
2 watercraft, the types of personal flotation devices that were
3 being used, and the injuries that resulted.

4 Sec. 80209. (1) Except when traveling at slow--no wake speed
5 perpendicular to the shoreline, a person who operates a personal
6 watercraft on 1 of the Great Lakes that is under the jurisdiction
7 of this state shall maintain a distance of 200 feet from the
8 shoreline.

9 (2) Except as provided in subsection (4), a person who
10 operates a personal watercraft or a person who is being towed by
11 a personal watercraft on a water sled, kite, surfboard,
12 parachute, tube, water ski, or similar equipment on the waters of
13 this state shall maintain a distance of not less than 100 feet
14 from a dock, raft, or buoyed or occupied bathing or swimming
15 area, a person in the water or on the water in a personal
16 flotation device, or a vessel moored, anchored, drifting, or
17 sitting in dead water.

18 (3) A person who operates a personal watercraft or a person
19 who is being towed by a personal watercraft on a water sled,
20 kite, surfboard, parachute, tube, water ski, or similar equipment
21 on the waters of this state shall maintain a distance of not less
22 than 200 feet from a submerged diver, vessel engaged in
23 underwater diving activities, or a flotation device displaying
24 the international diving insignia.

25 (4) Subsection (2) does not apply under either of the
26 following conditions:

27 (a) The personal watercraft being operated or the person

1 being towed is proceeding at a slow--no wake speed.

2 (b) The personal watercraft being operated or the person
3 being towed is in a navigable channel, canal, river, or stream
4 not otherwise posted.

5 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
6 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
7 NOT MORE THAN \$500.00.