

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4143**  
(As amended, April 24, 2007)

<<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, 80169, 80180, 80198b, and 80205 (MCL 324.80114,  
324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149,  
324.80151, 324.80169, 324.80180, 324.80198b, and 324.80205),  
sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151,  
80169, and 80198b as added by 1995 PA 58, section 80180 as  
amended by 1996 PA 174, and section 80205 as amended by 2004 PA  
27; and to repeal acts and parts of acts.>>

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 80114. (1) The department may promulgate rules to  
2       establish performance or other safety standards relating to boat

1 construction or the installation, use, or carriage of associated  
2 equipment.

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

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

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

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

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

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**  
26 **THAN \$500.00.**

27       (16) A decal is valid for a 3-year period that begins on

1 April 1 and expires on March 31 of the third year. An original  
2 certificate of number may be issued up to 90 days ~~prior to~~ **BEFORE**  
3 April 1. A numbering renewal decal or other renewal device may be  
4 issued up to 90 days ~~prior to~~ **BEFORE** the expiration of a  
5 certificate.

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

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

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

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

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

27 (20) The secretary of state shall, upon receipt of payment

1 of the fee required under subsection (19), issue a certificate of  
2 number for each vessel subject to subsection (19).

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

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

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

26 (a) The owner transfers or assigns title or interest in the  
27 registered vessel before placing the decal issued under

1 subsection (15) on the vessel.

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

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

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

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

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

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

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

1 his or her course and speed, and the operator of the vessel that  
2 has the other on his or her own starboard side shall give way to  
3 the other by directing his or her course to starboard so as to  
4 cross the stern of the other vessel or, if necessary to do so,  
5 shall slacken his or her speed, stop, or reverse.

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

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

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

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

21 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A PERSON WHO  
22 VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION  
23 AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.

24 (4) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF  
25 THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
26 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN  
27 \$500.00, OR BOTH.

1       Sec. 80145. A person operating or propelling a vessel upon  
2 the waters of this state shall operate it in a careful and  
3 prudent manner and at such a rate of speed so as not to endanger  
4 unreasonably the life or property of any person. A person shall  
5 not operate any vessel at a rate of speed greater than will  
6 permit him or her, in the exercise of reasonable care, to bring  
7 the vessel to a stop within the assured clear distance ahead. A  
8 person shall not operate a vessel in a manner so as to interfere  
9 unreasonably with the lawful use by others of any waters. **A**  
10 **PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL**  
11 **INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE**  
12 **THAN \$500.00.**

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

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

1 having jurisdiction over waters of this state requesting a  
2 reduction in the maximum speed limit on those waters, the  
3 department, pursuant to sections 80108 to 80113, may establish a  
4 maximum speed limit not to exceed 40 miles per hour on those  
5 waters.

6 (3) A person shall not operate a motorboat on the waters of  
7 this state at a speed greater than slow-no wake speed or the  
8 minimum speed necessary for the motorboat to maintain forward  
9 movement when within 100 feet of the shoreline where the water  
10 depth is less than 3 feet, as determined by vertical measurement,  
11 except in navigable channels not otherwise posted.

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

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

20 (B) THE PERSON VIOLATES THIS SECTION IN A MANNER THAT  
21 CONSTITUTES RECKLESS OPERATION OF A MOTORBOAT AS DESCRIBED IN  
22 SECTION 80147.

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

26 Sec. 80149. ~~(1) Persons~~ **A PERSON** operating ~~vessels~~ **A VESSEL**  
27 on the waters of this state in areas not marked by well defined

1 channels, canals, rivers, or stream courses shall operate the  
 2 vessels in a counter-clockwise fashion to the extent that it is  
 3 reasonably possible. These persons and persons being towed on  
 4 water skis or on a water sled, kite, surfboard, or similar  
 5 contrivance shall maintain a distance of 100 feet from any dock,  
 6 raft, buoyed or occupied bathing area, or vessel moored or at  
 7 anchor, except when the vessel is proceeding at a slow-no wake  
 8 speed or when water skiers are being picked up or dropped off, if  
 9 that operation is otherwise conducted with due regard to the  
 10 safety of persons and property and in accordance with the laws of  
 11 this state. **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), A**  
 12 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR.**

13 (2) A PERSON WHO VIOLATES THIS SECTION WHILE ON ANY OF THE  
 14 FOLLOWING BODIES OF WATER IN THIS STATE IS RESPONSIBLE FOR A  
 15 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF  
 16 NOT MORE THAN \$500.00:

17 (A) THE GREAT LAKES.

18 (B) LAKE ST. CLAIR.

19 (C) THE ST. CLAIR RIVER.

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

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

1 ~~misdemeanor.~~

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

5 Sec. 80169. (1) If a person not a resident of this state is  
6 arrested without a warrant for ~~any~~A violation of this part under  
7 conditions not referred to under section 80167, the officer  
8 making the arrest, upon demand of the arrested person, shall  
9 immediately take the person for arraignment by a magistrate or a  
10 district court judge in the vicinity to answer to the complaint  
11 made against him or her. If a magistrate or a district court  
12 judge is not available or an immediate trial cannot be had, the  
13 person arrested may recognize to the officer for his or her  
14 appearance by leaving with him or her ~~a sum of money not to~~  
15 ~~exceed \$25.00~~ **MORE THAN \$200.00.**

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

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

23 (4) ~~Within~~ **NOT MORE THAN** 48 hours after taking a deposit  
24 under this section, the officer shall deposit the money with the  
25 magistrate or the district court judge named in the notice to  
26 appear, together with a report stating the facts relating to the  
27 arrest. Failure to make the report and deposit the money is

1 embezzlement of public money.

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

8       (2) A peace officer who has reasonable cause to believe that  
9 a person was operating a vessel on the waters of this state, and  
10 that, by the consumption of intoxicating liquor, the person may  
11 have affected his or her ability to operate a vessel, may require  
12 the person to submit to a preliminary chemical breath analysis.  
13 The following apply with respect to a preliminary chemical breath  
14 analysis:

15       (a) Only a peace officer who has successfully completed a  
16 training course taught by a state-certified instructor in the  
17 administration of the preliminary chemical breath analysis may  
18 administer that test.

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

21       (c) The results of a preliminary chemical breath analysis  
22 are admissible in a criminal prosecution for a crime described in  
23 section 80187(1) or in an administrative hearing solely to assist  
24 the court or hearing officer in determining a challenge to the  
25 validity of an arrest. This subdivision does not limit the  
26 introduction of other competent evidence offered to establish the  
27 validity of an arrest.

1 (d) A person who submits to a preliminary chemical breath  
2 analysis remains subject to the requirements of sections 80187 to  
3 80190 for the purposes of chemical tests described in those  
4 sections.

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

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

12 (4) If, ~~within~~ **NOT MORE THAN** 60 days after the issuance of a  
13 citation for a state civil infraction under this section, the  
14 person to whom the citation is issued is not charged with a  
15 violation of section 80176(1), (3), (4), or (5) or a local  
16 ordinance substantially corresponding to section 80176(1) or (3),  
17 the citation issued for the state civil infraction is void. Upon  
18 application of the person to whom the citation is issued, money  
19 paid by the person as a fine, costs, or otherwise shall be  
20 immediately returned.

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

26 (2) A person who is bathing or swimming from a bathing beach  
27 maintained primarily for public use shall not bathe or swim in

1 waters that are within 100 feet beyond the buoyed bathing or  
2 swimming area. This subsection does not apply to persons swimming  
3 from adjacent privately owned beaches that are not open to the  
4 general public.

5 (3) 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.

8 Sec. 80205. (1) ~~Until 5 years after the effective date of~~  
9 ~~the 2004 amendatory act that amended this section~~ **MARCH 16, 2009,**  
10 except as otherwise provided in this section, a person shall not  
11 operate a personal watercraft on the waters of this state unless  
12 each person riding on or being towed behind the personal  
13 watercraft is wearing a type I, type II, or type III personal  
14 flotation device as described in R 281.1234 of the Michigan  
15 administrative code.

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

24 (3) ~~Beginning 5 years after the effective date of the 2004~~  
25 ~~amendatory act that amended this section~~ **MARCH 16, 2009,** a person  
26 shall not operate a personal watercraft on the waters of this  
27 state unless each person on board or being towed by the personal

1 watercraft who is less than 12 years of age is wearing a type I  
2 or type II personal flotation device as described in R 281.1234  
3 of the Michigan administrative code.

4 (4) A person shall not operate a personal watercraft on the  
5 waters of this state unless each person on board the personal  
6 watercraft is wearing a personal flotation device that is not  
7 inflatable.

8 (5) A person shall not operate a personal watercraft on the  
9 waters of this state if a child who is under 7 years of age is on  
10 board or being towed behind the personal watercraft unless the  
11 child is in the company of his or her parent or guardian or a  
12 designee of the parent or guardian.

13 (6) While operating a personal watercraft equipped by the  
14 manufacturer with a lanyard-type engine cutoff switch on the  
15 waters of this state, a person shall have the lanyard attached to  
16 his or her person, clothing, or personal flotation device as is  
17 appropriate for the personal watercraft.

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

22 (8) A person operating a personal watercraft on the waters  
23 of this state shall not cross within 150 feet behind another  
24 vessel, other than a personal watercraft, unless the person is  
25 operating the personal watercraft at slow--no wake speed. **A**  
26 **PERSON WHO VIOLATES THIS SUBSECTION IS RESPONSIBLE FOR A STATE**  
27 **CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT**

1 **MORE THAN \$500.00.**

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

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

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

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

12 **(11) ~~(10)~~**A person shall operate a personal watercraft in a  
13 reasonable and prudent manner. A maneuver that unreasonably or  
14 unnecessarily endangers life, limb, or property, including, but  
15 not limited to, all of the following, constitutes reckless  
16 operation of a personal watercraft under section 80208:

17 (a) Weaving through congested vessel traffic.

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

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

23 **(12) ~~(11)~~**A person shall not operate a personal watercraft  
24 on the waters of this state carrying more persons than the  
25 personal watercraft is designed to carry.

26 **(13) ~~(12)~~**A violation of subsection ~~(11)~~ **(12)** is prima facie  
27 evidence of reckless operation of a watercraft under section

House Bill No. 4143 as amended April 24, 2007

1 80208.

2 (14) ~~(13)~~—A person operating a personal watercraft in excess  
3 of the speeds established under part 801 is guilty of reckless  
4 operation of a personal watercraft under section 80208.

5 (15) ~~(14)~~—This section does not apply to a performer engaged  
6 in a professional exhibition or a person preparing to participate  
7 or participating in a regatta, race, marine parade, tournament,  
8 or exhibition held in compliance with section 80164 under a  
9 permit issued by the department and at the time and place  
10 specified in the permit.

11 (16) ~~(15)~~—The department shall annually prepare and submit  
12 to the standing committees of the senate and house of  
13 representatives with primary jurisdiction over marine safety  
14 issues an accident report related to the use of personal  
15 watercraft, the types of personal flotation devices that were  
16 being used, and the injuries that resulted.

<<Enacting section 1. Enacting section 1 of 2004 PA 547 is  
repealed.>>