

HOUSE BILL No. 5498

October 1, 2009, Introduced by Reps. Mayes and Wayne Schmidt and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80124 (MCL 324.80124), as amended by 2007 PA
8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80124. (1) Except as otherwise provided in this
2 section, the owner of a vessel required to be numbered and to
3 display a decal shall file an application for a certificate of
4 number with the secretary of state. The secretary of state shall
5 prescribe and furnish certificate of title application forms. If
6 a vessel requiring a certificate of title under part 803 is sold
7 by a dealer, that dealer shall combine the application for a
8 certificate of number that is signed by the vessel owner with the

1 application for a certificate of title. The dealer shall obtain
2 the certificate of number in the name of the owner. The owner of
3 the vessel shall sign the application. A person shall not file an
4 application for a certificate of number that contains false
5 information. A dealer who fails to submit an application as
6 required by this section is guilty of a misdemeanor, punishable
7 by imprisonment for not more than 90 days, or a fine of not more
8 than \$100.00, or both.

9 (2) A dealer who submits an application for a certificate of
10 number as provided in subsection (1) may issue to the owner of
11 the vessel a 15-day temporary permit, on forms prescribed by the
12 secretary of state, for the use of the vessel while the
13 certificate of number is being issued.

14 (3) A dealer may issue a 15-day permit, on a form prescribed
15 by the secretary of state, for the use of a vessel purchased in
16 this state and delivered to the purchaser for removal to a place
17 outside of this state, if the purchaser certifies by his or her
18 signature that the vessel will be registered and primarily used
19 and stored outside of this state and will not be returned to this
20 state by the purchaser for use or storage. A certificate of
21 number shall not be issued for a vessel holding a permit under
22 this subsection.

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

25 (5) A person shall operate or permit the operation of a
26 vessel for which a 15-day temporary permit has been issued under
27 this section only if the temporary permit is valid and displayed

1 on the vessel as prescribed by rule promulgated by the department
2 under this part.

3 (6) Except as otherwise provided in this section, an
4 applicant shall pay the following fee at the time of application:

5	(a) A 15-day temporary permit issued under	
6	subsection (3).....	\$ 10.00
7	(b) Nonpowered vessels, other than nonmotorized	
8	canoes or kayaks, except as provided in section 80123..	9.00
9	(c) Nonmotorized canoes or kayaks except as	
10	provided in section 80123.....	5.00
11	(d) Motorboats less than 12 feet in length.....	14.00
12	(e) Motorboats 12 feet or over but less than	
13	16 feet in length.....	17.00
14	(f) Motorboats 16 feet or over but less than	
15	21 feet in length.....	42.00
16	(g) Motorboats 21 feet or over but less than	
17	28 feet in length.....	115.00
18	(h) Motorboats 28 feet or over but less than	
19	35 feet in length.....	168.00
20	(i) Motorboats 35 feet or over but less than	
21	42 feet in length.....	244.00
22	(j) Motorboats 42 feet or over but less than	
23	50 feet in length.....	280.00
24	(k) Motorboats 50 feet in length or over.....	448.00
25	(l) Pontoon vessels regardless of size.....	23.00
26	(m) Motorized canoes regardless of size.....	14.00
27	(n) Vessels licensed under part 473.....	15.00
28	(o) Vessels carrying passengers for hire that	
29	are in compliance with part 445, or under federal law;	
30	and vessels carrying passengers and freight or freight	

1 only and owned within this state or hailing from a
 2 port within this state..... 45.00

3 (7) ~~As used in~~ **FOR THE PURPOSES OF** this section, "the
 4 length of a vessel ~~"means"~~ **IS** the distance from end to end over
 5 the deck, excluding the longitudinal upward or downward curve of
 6 the deck, fore and aft. ~~A pontoon boat shall be measured by the~~
 7 ~~length of its deck, fore and aft.~~

8 (8) Payment of the fee ~~specified in~~ **UNDER** this section
 9 exempts the vessel from the tax imposed under the general
 10 property tax act, 1893 PA 206, MCL 211.1 to 211.155.

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

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

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

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

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

23 (a) The vessel number that appears on the certificate of
24 number.

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

27 (c) The signature of the vessel's owner or that person's

1 authorized agent.

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

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

19 (15) Upon receipt of an application for a certificate of
20 number in an approved form and payment of the fee required by
21 this part, the secretary of state shall issue a decal that is
22 color-coded and, **SUBJECT TO SUBSECTION (17)**, dated to identify
23 the year of its expiration, and that indicates that the vessel is
24 numbered in compliance with this part. The department shall
25 promulgate a rule or rules to establish the manner in which the
26 decal is to be displayed. A person who operates a vessel in
27 violation of a rule promulgated to implement this subsection is

1 responsible for a state civil infraction and may be ordered to
2 pay a civil fine of not more than \$500.00.

3 (16) ~~A~~ **SUBJECT TO SUBSECTION (17)**, A decal is valid for a 3-
4 year period that begins on April 1 and expires on March 31 of the
5 third year. An original certificate of number may be issued up to
6 90 days before April 1. A numbering renewal decal or other
7 renewal device may be issued up to 90 days before the expiration
8 of a certificate.

9 (17) **A CERTIFICATE OF NUMBER AND DECAL ISSUED TO A STATE,**
10 **COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY MORE THAN 180 DAYS**
11 **AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
12 **SUBSECTION DOES NOT EXPIRE. DECALS ISSUED TO STATE, COUNTY, AND**
13 **MUNICIPAL LAW ENFORCEMENT AGENCIES MORE THAN 180 DAYS AFTER THE**
14 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION**
15 **SHALL NOT INCLUDE A REGISTRATION EXPIRATION YEAR BUT SHALL**
16 **INCLUDE THE WORDS "LAW ENFORCEMENT", BE BLACK IN BACKGROUND**
17 **COLOR, AND OTHERWISE BE OF UNIFORM SIZE AND DESIGN.**

18 (18) ~~(17)~~ Upon receipt of a request for renewal of a decal
19 and payment of the fee ~~prescribed in~~ **UNDER** subsection (6), the
20 secretary of state shall issue to the applicant a decal as
21 provided in subsection (15). A person who operates a vessel for
22 which no decal was issued as required under this section or for
23 which a decal has expired is responsible for a state civil
24 infraction and may be ordered to pay a civil fine of not more
25 than \$500.00.

26 (19) ~~(18)~~ The numbering system adopted under this part shall
27 be in accordance with the standard system of numbering

1 established by the secretary of the department in which the
2 United States coast guard operates.

3 (20) ~~(19)~~—An agency of this state, a political subdivision
4 of this state, or a state supported college or university of this
5 state that owns a vessel that is required to be numbered under
6 this part shall register that vessel and upon payment of either
7 of the following shall receive from the secretary of state a
8 certificate of number for that vessel:

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

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

13 (21) ~~(20)~~—The secretary of state shall, upon receipt of
14 payment of the fee required under subsection ~~(19)~~ (20), issue a
15 certificate of number for each vessel subject to subsection ~~(19)~~
16 (20).

17 (22) ~~(21)~~—A vessel that is 30 years of age or older and not
18 used other than in club activities, exhibitions, tours, parades,
19 and other similar activities is a historic vessel. The secretary
20 of state shall make available to the public application forms for
21 certificates of number for historic vessels and, upon receipt of
22 a completed application form and fee, shall number a historic
23 vessel as a historic vessel. The fee for the numbering of a
24 historic vessel is 1/3 of the otherwise applicable fee specified
25 in subsection (6).

26 ~~—(22) Upon application to the secretary of state, the owner~~
27 ~~of a nonmotorized canoe or kayak who registered that vessel under~~

1 ~~former 1967 PA 303 between January 1, 1989 and April 17, 1990~~
2 ~~shall receive a refund of a portion of the registration fee equal~~
3 ~~to the difference in the amount that owner paid and the fee~~
4 ~~amount provided in subsection (6)(e).~~

5 (23) The secretary of state shall refund to the owner of a
6 vessel registered under this part ~~or former 1967 PA 303~~ all of
7 the registration fee paid for that vessel under this section ~~or~~
8 ~~section 33 of former 1967 PA 303~~ if all of the following
9 conditions are met during the period for which the registration
10 fee was paid:

11 (a) The owner transfers or assigns title or interest in the
12 registered vessel before placing the decal issued under
13 subsection (15) on the vessel.

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

16 (24) The secretary of state shall refund to the surviving
17 spouse of a deceased vessel owner the registration fee paid under
18 this part, prorated on a monthly basis, upon receipt of the decal
19 issued under subsection (15) or evidence satisfactory to the
20 secretary of state that the decal issued under subsection (15)
21 has been destroyed or voided.

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